



MEETING WILL BE LIVE STREAMED ON YOUTUBE: [Page County, Virginia- YouTube](#)

AGENDA
Page County Planning Commission
Work Session
Board of Supervisors Room- County Government Center
103 South Court Street, Luray, VA 22835
November 23, 2021- 7:00 p.m.

Call to Order

- A. Pledge of Allegiance
- B. Moment of Silence
- C. Microphone Reminder
- D. Attendance Roll Call

Adoption of Agenda

New Business

- A. Jeffrey Cardwell- Special Use Permit Application
- B. Adoption of Minutes- October 26, 2021 and November 9, 2021

Unfinished Business

- A. Cape Solar, LLC-
Special Use Permit Application
- B. High Speed Link/Tanners Ridge Properties, LLC-
Special Use Permit Application (Discussion of SUP conditions)
- C. High Speed Link/Cunningham-
Special Use Permit Application- (Discussion of SUP conditions)
- D. Review draft of Zoning and Subdivision Ordinance provided by the Berkley Group

Adjourn



County of Page, Virginia
Planning & Community Development
103 South Court St., Suite B
Luray, VA 22835

TO: Page County Planning Commission
FROM: Tracy Clatterbuck, Zoning Administrator
SUBJECT: Jeffrey A. Cardwell- Special Use Permit (Introduction)
DATE: November 18, 2021

SUMMARY:

Special use permit (SUP) to place a manufactured home in the Land of Luray Subdivision

BACKGROUND:

Jeffrey A. Cardwell has filed an application for a special use permit to place a manufactured home in the Land of Luray Subdivision located on Park View Drive, Luray, VA, and further identified by tax map number 48B-6-B14. The density range in the area is Medium-High. The applicant is proposing to put a 13'8"x48' singlewide on the lot. The property is currently improved with storage buildings.

Pursuant to § 125-11 D.(3) of the Page County Zoning Ordinance, a manufactured home in a subdivision is only permitted by a special use permit. Section 125-29 of the Page County Zoning Ordinance, states the county shall consider the following criteria upon application for a special use permit:

- A. The existence of any restrictive covenants prohibiting the location of manufactured homes in the subdivision, and if any such covenant exists at the time of application for the special use permit, then such application shall be denied.
- B. The number of manufactured homes existing in the subdivision for which application is being made.
- C. Consent of adjoining landowners.
- D. The position of other landowners in the subdivision, including any position taken by the property owners association of the subdivision
- E. Other criteria which may assure the enforcement of any other provisions of this section and the intent of this section.

A copy of the covenants that were provided by the applicant are included in the application packet. There are lots in the subdivision that currently have manufactured homes on them as well. Once a public hearing is scheduled, adjoining landowners will be notified as required by the Code of Virginia.

OTHER AGENCY COMMENTS:

Virginia Department of Transportation (VDOT) – Per James Craun, there are no objections to the request.

Health Department- Per Todd Lam, there are no objections to the request. A one-bedroom sewage system construction permit has been issued.

Building Official- Per James Campbell, there are no objections to the request.

Subdivision Property Owners Association- Per the President or Secretary of the association, there are no concerns at this time.

PAGE COUNTY COMPREHENSIVE PLAN:

Regarding the Page County Comprehensive Plan, Volume 1, Chapter 3, Policy 8.1 states, "Encourage and support initiatives that upgrade the quality of life and standard of living for residents, including adequate and affordable housing." Also, policy 8.3 states, "Encourage adequate affordable housing opportunities for low- to moderate-income residents of Page County and to those working and desiring to live in Page County."

FISCAL IMPACT:

None

MOTION(S):

I move that the Page County Planning Commission hold a public hearing on this special use permit application for tax map number 48B-6-B14 at the December 14, 2021 Regular Meeting, and direct staff to provide adequate notice of such hearing in accordance with the Code of Virginia 15.2-2204.

OR

I move an alternative motion.

ATTACHMENTS:

SUP Application Packet
SUP Draft Conditions



County of Page, Virginia
Planning & Community Development
103 South Court St., Suite B
Luray, VA 22835

SPECIAL USE PERMIT

Owner: Jeffrey A. Cardwell

Tax Map #: 48B-6-B14

Purpose: Manufactured home in subdivision

APPROVED _____ DENIED _____

By the Page County Board of Supervisors on _____.

1. This special use permit is transferable, it will meet the requirements in and have privileges provided for in the Page County Zoning Ordinance, and any ordinance amendments for the period set forth within the parameters in this special use permit. The special use permit shall remain with the property for a period of fifty (50) years.
2. Jeffrey A. Cardwell or its successor and/or assigns, shall be in compliance with all county ordinances, the Uniform Statewide Building Code, and all state and federal agency regulations.
3. Any change of use or expansion not included in this special use permit will require an additional, new, or modified special use permit as required by the Page County Zoning Ordinance at that time.
4. This special use permit may be revoked upon material noncompliance with the terms of the permit, or upon violation of any other relevant terms of the Zoning Ordinance or any other ordinances of the County of Page, Virginia. However, prior to the commencement of any action to revoke this permit, the county shall notify the permit holder in writing of the material in noncompliance or violation, and the permit holder shall have thirty (30) days thereafter to cure the material non-compliance or violation. The notice shall be deemed given when hand delivered to the permit holder or when mailed by certified mail, return receipt requested, to the permit holder.
5. The Zoning Administrator or their designated representative may visit the site at any time to ensure compliance with the special use permit.
6. This special use permit shall be null and void if the manufactured home is replaced with any residential dwelling that is permitted by-right within the residential zoning district.

I (we) the undersigned owner(s)/occupant(s) understand and agree to the foregoing conditions of this special use permit. I further understand that this special use permit may be reviewed on a

yearly basis or at any time, the county determines necessary to ensure the compliance with and enforcement of all applicable conditions, codes, and regulations.

Owner(s)/Occupant(s)

Date

Board of Supervisors Chairman

Date

County Administrator

Date

**COUNTY OF PAGE
SPECIAL USE PERMIT APPLICATION**

FOR OFFICE USE ONLY:

DATE RECEIVED: 11/1/21

DENSITY RANGE: Med-High

AMOUNT PAID: 950.00 ^{pd} 11/9/21

RECEIPT #: Dir Dp.

1. The applicant is the owner ☒ other _____ (Check one)

2. OWNER/MAILING ADDRESS

OCCUPANT (If other than owner)

Name: Jeffrey A Cardwell

Name: _____

Address: 326 Skyview drive

Address: _____

Luray Va 22835

Phone Number: 540-244-9536

Phone Number: _____

3. Site Address: Lots ^B 14/15

Park View Drive, Luray (TU)

4. Directions to property:

Rt 211 To Rt 615 (longs rd), Right on
medowview 1/4 mile R on Parkview drive
1/8 mile on left Sign on Temp Elec pole

5. Property size: 2.08 Acre lots

6. Tax Map Number: ~~H-1-48B-14-B15~~ 48B-6-B14 (TU)

Magisterial District: Marvsville (TU)

7. Current use of the property: Storage of house hold goods

8. Description of proposed use: 1 bedroom (Singlewide Mobile Home) (TU)

Size of building(s), if any: 12x32 storage, 12x16 storage, RV Proposed singlewide 13'8" x 48' w/ 8' 13'8" S Decd

9. Present Zoning: _____ A-1 (Agriculture) _____ ☒ R (Residential)
_____ C-1 (Commercial) _____ I (Industrial)
_____ W-C (Woodland Conservation) _____

10. Applicants' additional comments, if any:

House is being Manufactured by Pats Manor Homes
825 No. Main st Mount Crawford Va 22841
contact info Mike Ansel 540-434-9951

I (we), the undersigned, do hereby certify that the above information is correct and true. I (we) further understand that in granting approval of this application, the Board of Supervisors may require that I (we) comply with certain conditions and that such approval shall not be considered valid until these conditions are met. *Please refer to the attached "Power of Attorney" form for those applicants that desire to have a spokesperson, who is not the property owner, represent the application and property.*

Signature of Owner:

Jeffrey A. Cardwell

10-6-21

Signature of Applicant:

Jeffrey A. Cardwell

10-6-21

COMMENTS BY PLANNING AND COMMUNITY DEVELOPMENT OFFICE:

ZONING ADMINISTRATOR

DATE

Submit names and complete mailing addresses of ALL adjoining property owners, including property owners across any road or right-of-way (Continue on separate sheet if needed).

Note: Names and address of property owners may be found in the Real Estate and Land Use Office at the Commissioner of Revenue's Office.

NAME

ADDRESS

Relos Apolinar

2460 Mission St. Ste 202

Jesse + Joyce Knight

San Francisco, CA 94110
199 Doyle Rd, Luray VA 22835

Gayle Simon

1422 Tennyson St. Denver CO 80204

Powerl Sutherland

2101 Dovel Hollow Rd Stanley VA 22851

Albert + Janet Huschak

10231 Shawnee Ln, Spotsylvania VA 22553

Phillips Trustee

977 Seminole Trail #292
Charlottesville VA 22901

ADJOINING PROPERTY OWNER VERIFICATION:

AS APPLICANT FOR THIS SPECIAL USE PERMIT REQUEST,

I Jeffrey Cardwell (Name)

HEREBY ACKNOWLEDGE THAT I HAVE FAITHFULLY AND CORRECTLY PROVIDED NAMES AND COMPLETE MAILING ADDRESSES OF ALL MY ADJOINING PROPERTY OWNERS AND THOSE DIRECTLY ACROSS THE ROAD OR RIGHT-OF-WAY. I

UNDERSTAND THAT FAILURE TO PROVIDE ALL ADJOINING PROPERTY OWNERS WILL LEAVE ME LIABLE FOR ADDITIONAL COSTS FOR RE-ADVERTISEMENT AND NOTICES MAILED AND THAT MY REQUEST COULD BE DELAYED UNTIL PROPER NOTIFICATION HAS BEEN GIVEN TO ALL ADJOINING PROPERTY OWNERS AND THOSE PROPERTY OWNERS ACROSS THE ROAD OR RIGHT-OF-WAY.

DATE

10-6-21

SIGNATURE OF APPLICANT

Jeffrey Cardwell

PLEASE HAVE THE FOLLOWING AGENCIES ENTER THEIR COMMENTS BELOW **BEFORE**
SUBMITTING THIS APPLICATION TO THE PLANNING AND COMMUNITY DEVELOPMENT
DEPARTMENT.

VIRGINIA DEPARTMENT OF TRANSPORTATION- HARRISONBURG RESIDENCY
3536 NORTH VALLEY PIKE
HARRISONBURG, VIRGINIA 22802
(540) 434-2587

Entrance to SR 615 is good.

9-28-21
DATE


VDOT OFFICIAL

PAGE COUNTY HEALTH DEPARTMENT
75 COURT LANE
LURAY, VIRGINIA 22835
(540) 743-6528

No objections to this request.

A 1-bdrm sewage system construction permit has been issued.

10-29-2021
DATE


HEALTH OFFICIAL

PAGE COUNTY BUILDING OFFICIAL
103 S COURT STREET, SUITE B
LURAY, VIRGINIA 22835
(540) 743-6674

No Objections to Request, Need proper permits
before construction

11-17-21
DATE

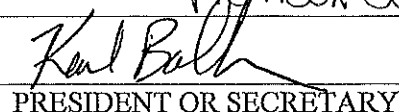

BUILDING OFFICIAL

SUBDIVISION PROPERTY OWNERS ASSOCIATION

NO CONCERNS AT THIS TIME.

Land of Luray P.O.A
P.O. Box 509 Luray, VA 22835

9/11/21
DATE


PRESIDENT OR SECRETARY

PLEASE HAVE THE FOLLOWING AGENCIES ENTER THEIR COMMENTS BELOW **BEFORE**
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DEPARTMENT.

VIRGINIA DEPARTMENT OF TRANSPORTATION- HARRISONBURG RESIDENCY
3536 NORTH VALLEY PIKE
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LURAY, VIRGINIA 22835
(540) 743-6528

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10-29-2021
DATE


HEALTH OFFICIAL

PAGE COUNTY BUILDING OFFICIAL
103 S COURT STREET, SUITE B
LURAY, VIRGINIA 22835
(540) 743-6674

LAND OF LURAY P.O.A

P.O. Box 509 LURAY VA 22835

09/16/2021
DATE

BUILDING OFFICIAL

SUBDIVISION PROPERTY OWNERS ASSOCIATION

NO CONCERNS AT THIS TIME.

DATE


PRESIDENT OR SECRETARY

Tracy Clatterbuck

From: Lam, Todd <todd.lam@vdh.virginia.gov>
Sent: Monday, November 1, 2021 9:26 AM
To: Tracy Clatterbuck
Subject: Jeffrey Cardwell SUP Comments // TM 48B-6-B14 & B15
Attachments: 48B-6-B14,B15_Special Use Application.pdf; 48B-6-B14,B15_Sewage Construction Permit.pdf

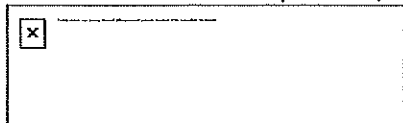
[NOTICE: DO NOT CLICK on links or open attachments unless you are sure the content is safe. No email should ever ask you for your username or password.]

Tracy,

Attached is a copy of VDH comments for SUP and a 1-bdrm sewage system construction permit for the subject property. I will notify the applicant that his SUP application is ready for pick-up.

Thanks,

Todd W. Lam
Environmental Health Specialist, Sr.



Woodstock Office: 540-459-3733
Woodstock Desk Phone: 540-459-6971
Luray Office: 540-743-6528
Luray Desk Phone: 540-244-3188

PE Construction Permit 32.1-163.6

October 28, 2021

Sewage Disposal System Construction Permit - Va. Code § 32.1-163.6

Jeffrey Cardwell
PO Box 31
Luray, VA 22835

RE: tbd Parkview Drive , Luray, VA 22835
Tax Map/GPIN: 48B-6-B14,B15 /? Land of Luray Subdivision Section: B Lots: 14 & 15
County: PAGE/139
Permit ID: 139-ST5-35164 R // Health Dept. ID: 139-21-0410
System Capacity: Residential, 1 Bedrooms, 150 gallons per day
Occupancy Limit: 2 persons maximum
Proposed Water Supply: Holding Reservoir with continuous disinfection

Dear Jeffrey Cardwell:

This letter and the attached drawings, specifications and calculations prepared by Racey Engineering (21 pages), dated 10/04/2021, constitute your permit to install a sewage disposal system, on the property referenced above. Your application for a permit was submitted pursuant to § 32.1-163.6 of the Code of Virginia, which requires the Virginia Department of Health (VDH) to accept designs for onsite sewage systems from individuals licensed as Professional Engineers (PEs). This law allows PEs to design onsite sewage systems that do not fully comply with the Sewage Handling and Disposal Regulations (12 VAC 5-610-10 et seq.) and requires VDH to accept such designs provided they comply with standard engineering practices, performance requirements set by the Board of Health, and certain horizontal setback requirements necessary to protect public health and the environment. VDH hereby recognizes that the design submitted by Gary Shirley, P.E. complies with the requirements of the Code of Virginia and the applicable regulations and grants permission to install the system as designed in the area shown on the attached plans and specifications.

If modifications or revisions are necessary between now and when the system is constructed, please contact the PE who designed the system upon which this permit is based. Should revisions be necessary during construction, your contractor should consult with the PE. The PE is authorized to make minor adjustments in the location or design of the system provided that adequate documentation is provided to the Page County Health Department.

The PE that submitted the design for this permit is required by the Sewage Handling and Disposal Regulations to conduct a final inspection of this sewage system when it is installed and to submit an inspection report and completion statement to the Page County Health Department. The sewage system may not be placed into operation until you have obtained an Operation Permit from the Page County Health Department.

This Construction Permit is null and void if site and soil conditions are changed from those shown on your application or if conditions are changed from those shown on the attached plans and specifications. VDH may revoke or modify any permit if, at a later date, it finds that the system would threaten public health or the environment.

This permit approval has been issued in accordance with applicable regulations based on the information and materials provided at the time of application. There may be other local, state, or federal laws or regulations that apply to the proposed construction of this onsite sewage system. The owner is responsible at all times for complying with all applicable local, state, and federal laws and regulations. This construction permit is transferrable until expired or deemed null and void. A permit

transfer form may be found on the VDH website at <http://www.vdh.virginia.gov/environmental-health/gmp-2015-01-forms/> .

If you have any questions, please contact me.

This permit expires April 28, 2023.

Sincerely,


Todd W. Lam,
Environmental Health Specialist, Sr.

CC: Gary Shirley, P.E.
PCHD file

Well and Sewage Contractors: Please notify Health Department and OSE or PE 48 hours prior to installation to arrange for inspection

WHAT YOU WILL NEED TO GET YOUR SEPTIC SYSTEM OPERATION PERMIT

A construction inspection by the local health department is REQUIRED. Sewage contractor must notify this agency a minimum of 48-hours prior to initiation and/or completion of system installation.

In addition, your system must have a satisfactory inspection at the time of installation from the design PE. Your PE must submit a copy of the inspection results, complete with an as-built diagram, to the Health Department.

Please ensure that your contractor turns in a Completion Statement to the local Health Department after installation.

Your permit is for an alternative system. After satisfactory system installation, you must sign, have notarized, and record a Notice of Recordation form in your locality's land records. Please bring proof of this recordation to the local Health Department. The form will be provided upon receipt and satisfactory review of all third-party installation documents.

Submit a Maintenance and Monitoring plan, prepared by a qualified professional, that complies with the criteria contained in 12 VAC 5-613-170 of the Alternative Onsite Sewage System Regulations.

The drinking water reservoir must be equipped with a continuous means of disinfection that has been manufactured and certified for use as a potable water disinfection device.

Allow 5 business days after the last piece of documentation is received for the Operation Permit to be issued. To avoid delays, clearly label each piece of documentation with the property Tax Map/GPIN number and HDID number shown above and on your construction permit. Please note that due to the individual circumstances of your permit there may be additional required items not covered by this checklist.

If you have any questions about any of the items on this list, please do not hesitate to contact the Page County Health Department at 540-743-6528.

Page County, Virginia

Legend

- 9-1-1 Addresses
- US Highways
- Roads
- Railroads
- Other Counties
- Parcels
- Zoning
 - Agricultural
 - Commercial
 - Industrial
 - Residential
 - Planned Neighborhood Development
 - Woodland Conservation
 - Park and Rec
 - Property Not Assessed
- Shenandoah River
- Streams



Title:

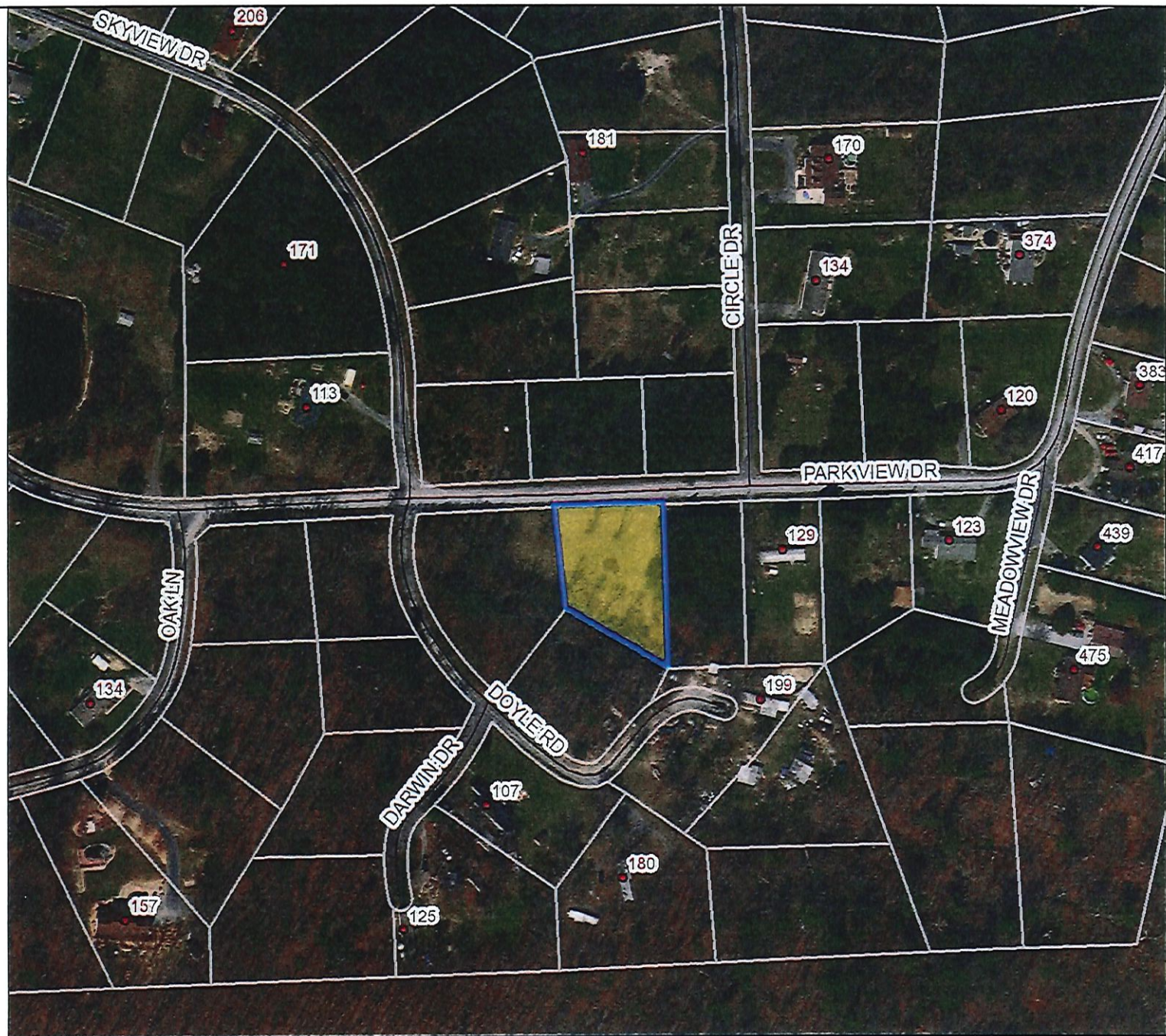
Date: 11/19/2021

DISCLAIMER: THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, either expressly or implied, but no limited to, the implied warranties of merchantability and fitness for a particular purpose. Site-specific information is best obtained after an onsite visit by a competent professional. Please call Page County, VA for specialized products. Any person, firm or corporation which uses this map or any of the enclosed information assumes all risk for the inaccuracy thereof, as Page County, VA expressly disclaims any liability for loss or damage arising from the use of said information by any third party. In addition use of Virginia Base Mapping Program (VBMP) statewide aerial photography requires the following disclaimer: "Any determination of topography or contours, or any depiction of physical improvements, property lines or boundaries is for general information only and shall not be used for the design, modification, or construction of improvements to real property or for flood plain determination."

Page County, Virginia

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- Shenandoah River
- Streams



Title:

Date: 11/19/2021

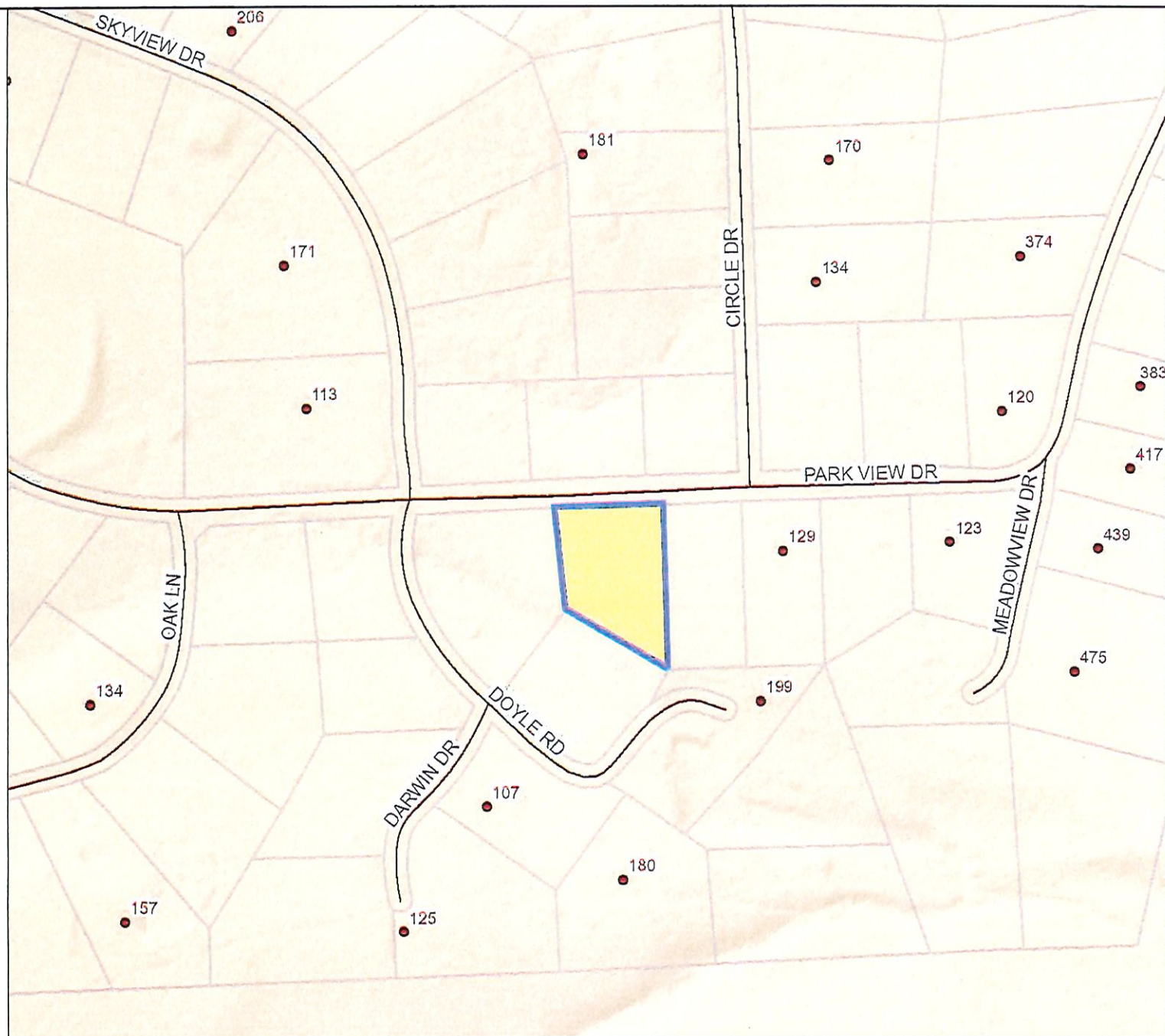
Feet
0 50 100 150 200
1:2,257 / 1"=188 Feet

DISCLAIMER: THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, either expressly or implied, but no limited to, the implied warranties of merchantability and fitness for a particular purpose. Site-specific information is best obtained after an onsite visit by a competent professional. Please call Page County, VA for specialized products. Any person, firm or corporation which uses this map or any of the enclosed information assumes all risk for the inaccuracy thereof, as Page County, VA expressly disclaims any liability for loss or damage arising from the use of said information by any third party. In addition use of Virginia Base Mapping Program (VBMP) statewide aerial photography requires the following disclaimer: "Any determination of topography or contours, or any depiction of physical improvements, property lines or boundaries is for general information only and shall not be used for the design, modification, or construction of improvements to real property or for flood plain determination."

Page County, Virginia

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Title:

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Feet
0 50 100 150 200
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Consideration Paid on Deed: \$20,000.00.
Tax Assessed Value: \$30,000.00.

Tax Map Numbers: 48B-(6)-B14 & B15.

*This instrument has been prepared by David M. Reed, Attorney at Law (VSB #86890)
The scrivener of this deed has not examined the title to the real estate herein conveyed
Virginia Code §17.1-223: The existence of title insurance is unknown to the preparer.
The scrivener of this deed has not given any tax advice regarding this transfer and the parties have been
advised to seek the counsel of their tax advisor prior to the execution of this deed.*

DEED

THIS DEED, made and entered into this 26th day of August, 2020, by and between **MARY A. MILLER**, GRANTOR/PARTY OF THE FIRST PART; and **JEFFREY A. CARDWELL**, GRANTEE/PARTY OF THE SECOND PART, whose address is 351 Seclusion Ridge Road, Luray, Virginia 22835.

WITNESSETH:

That for and in consideration of the sum of TEN (\$10.00) DOLLARS, cash in hand paid to the Party of the First Part by the Party of the Second Part, and other good and valuable consideration, the receipt of which is hereby acknowledged, at and upon the signing, sealing and delivery of this instrument, the Party of the First Part does hereby bargain, grant, sell, and convey with General Warranty and English Covenants of title unto **JEFFREY A. CARDWELL** all those two (2) certain tracts or parcels of real estate with all improvements thereon and all rights, easements and appurtenances thereunto belonging, lying and being situate in the Luray Magisterial District, Page County, Virginia, bounded and described as Lots 14 and 15, Section B, of the Subdivision known as "Land of Luray", as more particularly shown on that certain survey plat

*Reed & Reed, P.C., 16 South Court Street, Luray, Virginia 22835
(540) 743-5119*

prepared by R.M. Bartenstein & Associates, Warrenton, Virginia, dated August 26, 1971, and recorded in the Clerk's Office of the Circuit Court of Page County, Virginia, ("Clerk's Office") in Plat Book Number 6, at page 41, et. seq., and being the same real estate which was conveyed to Joseph E. Foltz and Mary A. Miller, as joint tenants with right of survivorship by: (1) Richard A. Weber, et. ux., by deed dated the 21st day of November, 1996, and recorded in the Clerk's Office in Deed Book Number 552, at page 161, et. seq.; and (2) Roger J. Bolhouse, et. ux., by deed dated the 21st day of November, 1996, and recorded in the Clerk's Office in Deed Book 552 at Page 163, to which deed and plat references are hereby made.

Mary A. Miller became the sole owner of the herein conveyed real estate upon the death of Joseph E. Foltz, who died on or about June 5, 2016, pursuant to the survivorship clause contained in the aforesaid deeds.

This conveyance is made SUBJECT to all easements, conditions and restrictions of record, if any, insofar as they may lawfully affect the property, including but not limited to the restrictions and conditions on the declaration and plat of the subdivision known as "Land of Luray", and any and all amendments thereto..

The Party of the First Part covenants and agrees that she has a right to convey the real estate hereinabove described to the Grantee and that she will warrant generally the title thereto.

WITNESS the following signature and seal.

*Reed & Reed, P.C., 16 South Court Street, Luray, Virginia 22835
(540) 743-5119*

INSTRUMENT 200002383
RECORDED IN THE CLERK'S OFFICE OF
PAGE COUNTY CIRCUIT COURT ON
SEPTEMBER 11, 2020 AT 11:44 AM
\$30.00 GRANTOR TAX WAS PAID AS
REQUIRED BY SEC 58.1-802 OF THE VA. CODE
STATE: \$15.00 LOCAL: \$15.00
C. G. MARKOWITZ, CLERK
RECORDED BY: ABL

Mary A. Miller
MARY A. MILLER

(SEAL)

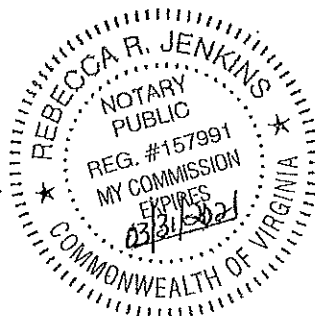
COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF Page, TO-WIT:

The foregoing deed was acknowledged before me this 8 day of
September, 2020, by MARY A. MILLER.

My commission expires 03/31/2021.

My registration number is 157991.

Rebecca R. Jenkins
Notary Public



THE SCRIVENER OF THIS DEED HAS NOT GIVEN ANY TAX ADVICE REGARDING THIS TRANSFER AND THE PARTIES HAVE BEEN ADVISED TO SEEK THE COUNSEL OF THEIR TAX ADVISOR PRIOR TO EXECUTION OF THIS DEED. THE SCRIVENER OF THIS DEED HAS NOT GIVEN ANY ADVICE CONCERNING GOVERNMENT BENEFIT PROGRAMS INCLUDING BUT NOT LIMITED TO MEDICAID REGARDING THIS TRANSFER. THE SCRIVENER OF THIS DEED HAS ONLY PREPARED THIS DOCUMENT AT THE REQUEST OF THE GRANTOR AND HAS NOT REPRESENTED ANY OF THE PARTIES HERETO IN ANY OTHER MATTERS RELATED TO THIS TRANSFER. THE SCRIVENER OF THIS DEED HAS NOT GIVEN ANY ADVICE CONCERNING THE APPLICABILITY OF ANY DUE ON SALE CLAUSE CONTAINED IN ANY MORTGAGE OR DEED OF TRUST OR THE ABILITY OF ANY NOTEHOLDER TO DEMAND PAYMENT IN FULL ON ANY NOTE AS THEY MAY RELATE TO THIS PROPERTY OR TRANSFER, IF APPLICABLE. THE SCRIVENER OF THIS DEED HAS NOT EXAMINED THE TITLE TO THE REAL ESTATE HEREIN CONVEYED. THE PREPARER OF THIS DOCUMENT HAS BEEN ENGAGED SOLELY FOR THE PURPOSE OF PREPARING THIS INSTRUMENT, HAS PREPARED THE INSTRUMENT ONLY FROM THE INFORMATION GIVEN AND HAS NOT BEEN REQUESTED TO PROVIDE, NOR HAS THE PREPARER PROVIDED A TITLE SEARCH, AN EXAMINATION OF THE LEGAL DESCRIPTION, AN OPINION ON TITLE OR ADVICE ON THE TAX, LEGAL OR NON-LEGAL CONSEQUENCES THAT MAY ARISE AS A RESULT OF THE CONVEYANCE. FURTHER SUCH PREPARER HAS NOT VERIFIED THE ACCURACY OF THE AMOUNT OF CONSIDERATION STATED TO HAVE BEEN PAID OR UPON WHICH ANY TAX MAY HAVE BEEN CALCULATED NOR HAS THE PREPARER VERIFIED THE LEGAL EXISTENCE OR AUTHORITY OF ANY PERSON WHO MAY HAVE EXECUTED THE DOCUMENT. PREPARER SHALL NOT BE LIABLE FOR ANY CONSEQUENCES ARISING FROM MODIFICATIONS TO THIS DOCUMENT NOT MADE OR APPROVED BY PREPARER.

Reed & Reed, P.C., 16 South Court Street, Luray, Virginia 22835
(540) 743-5119

No 1424

BOOK 250 PAGE 317

THIS DEED OF DEDICATION, made this 31st day of August, 1971, by LAND OF LURAY, INC., a Virginia corporation (owner of the real estate hereinafter described), party of the first part, and ROBY G. JANNEY, TRUSTEE, party of the second part;

W I T N E S S E T H :

WHEREAS, the party of the first part is the sole owner and proprietor of a certain tract of land containing 152.4999 acres, located in the Marksville Magisterial District, Page County, near Luray, Virginia, and more fully described in "Schedule A" attached hereto, being the same property conveyed to Land of Luray, Inc. by deed from Thomas R. Shirley, Jr. and Doris M. Shirley, his wife, Robert E. Shirley and Dorothy M. Shirley, his wife, and David L. Shirley and Margie L. Shirley, his wife; and by deed from David L. Shirley and Margie L. Shirley, his wife, less the property conveyed to David L. Shirley and Margie L. Shirley, his wife, by deed from Land of Luray, Inc., all of said deeds dated August 24, 1971 and recorded August 27, 1971 in the Clerk's Office of the Circuit Court of Page County, Virginia;

WHEREAS, the party of the second part is one of the Trustees under a Purchase Money Deed of Trust made by Land of Luray, Inc. to Roby G. Janney and Robert S. Janney, both of Page County, Virginia, Trustees, either or both of whom may act, dated August 24, 1971 and recorded August 27, 1971 in the aforesaid Clerk's Office;

WHEREAS, the said party of the first part is desirous of subdividing said land into lots, said platting of the property described in "Schedule A," attached hereto, being within the free

Examined
10-29-71 &
delivered to
Horvitz, Baer
& Neblett,
Atty's.
3339 West Car-
Street
Richmond, Va.
By Mail

*Plat recorded in Plat Book No. 6
Page 41-59, September 1, 1971
Notary: James D. Campbell, Clerk.*

consent and in accordance with the desire of the undersigned owner, proprietor and Trustee;

WHEREAS, the party of the first part desires said subdivision to be known as "LAND OF LURAY";

NOW, THEREFORE, in consideration of the premises, the party of the first part, being, as aforesaid, the sole owner and proprietor of the land herein described, does hereby subdivide the said land into designated lots in accordance with the plat of R. M. Bartenstein and Associates, dated August 26, 1971 and to be recorded simultaneously with this deed in the Plat Book in the Clerk's Office of the Circuit Court of Page County, Virginia, and specifically made a part of this Deed of Dedication, and to which plat reference is hereby made for a more particular description; said subdivision to be known as "LAND OF LURAY."

This dedication is made in accordance with the statutes of Virginia governing the subdividing and platting of land.

The party of the second part joins in this Deed of Dedication for the sole purpose of indicating that said platting and dedication of the land described in the attached "Schedule A" is with his free consent and in accordance with his desire, and that this document shall in no way affect the lien of any deed of trust on any of the said land.

It is understood and agreed that the aforesaid land is owned and to be conveyed subject to the following Schedule of Protective Deed Covenants, which are to be construed as covenants running with the land:

LAND OF LURAY

SCHEDULE OF PROTECTIVE DEED COVENANTS

The following deed covenants are designed to protect property owners, to assure continued property values and appreciation, and to enable purchasers to feel secure that the unique character and quality of the subdivision shall remain or be enhanced.

1. DEFINITIONS: Where used in this Schedule, the following terms shall be given these definitions:

Plat: Plat of Subdivision, dated August 26, 1971, made by R. M. Bartenstein & Associates, Warrenton, Virginia.

Developer: Land of Luray, Inc., its successors or assigns.

Temporary structure shall include trailer, mobile home, tent, improvised cabin, removeable shack and hut.

2. PURPOSE OF SUBDIVISION: This subdivision is developed for the private recreational use of the property owners, and no commercial enterprise of any kind shall be maintained upon or in connection, even remotely, with any lot in the subdivision, nor shall any lot be used for other than strictly recreational purposes. The erection of directional and informational signs and business facilities of the Developer are exempt and not prohibited by this paragraph.

3. ANNUAL CHARGE: Each lot shall be subject to an annual charge of \$30.00 (The Base Charge), which shall become a lien against the property, commencing as of January 1, 1971 (1971 hereby designated as the Base Year). The Base Charge may be decreased or increased annually as of the first of each year subsequent to 1971; provided, however, in the event of an increase, an addition to the Base Charge may not be in excess of \$1.00 per year for each year subsequent to the Base Year. An adjustment may be made by the Developer where lots are combined into one tract. Such charges shall be payable to the Developer, and shall be used for the maintenance of the roads, recreation areas and for such other public purposes as the Developer may determine. The charge referred to herein shall not apply to any lot while owned by the Developer, his successors or assigns.

4. DURATION: These covenants shall continue in force perpetually, and shall run with the land.

5. BUILDING EXTERIORS: The exteriors of all buildings, including residence, utility and outbuildings, shall be of brick or brick veneer, wood or wood veneer, or stone or stone veneer only. Where wood or wood veneer exterior is used, it shall only be laquered, stained or varnished.

6. RESIDENCE BUILDING: MINIMUM AREA: There shall not be erected on any building lot a residence having less than 500 square feet of ground floor space.

7. PLACEMENT OF TEMPORARY STRUCTURES FOR EXTENDED PERIODS OF TIME: No temporary structure, as herein defined, which is erected or placed upon any lot, shall remain upon the premises for a period in excess of 30 days, except with the written approval of the Developer. In giving its approval, the Developer shall be guided by the condition, appearance, size and quality of such temporary structure, and shall not approve any such temporary structure that does not substantially conform to the type and quality of structures in the surrounding area.

8. BUILDING SET BACK LINE: No building of any kind, including temporary structures, shall be erected on any lot closer than 25 feet to the shoulder of the roadway or right of way upon which it abuts.

9. OWNERSHIP AND USAGE OF SUBDIVISION FACILITIES: All facilities marked on the plat with diagonal lines become the property of the lot owners, including contract purchasers, with equal undivided interest therein. However, the Developer retains the exclusive right to maintain such facilities. Each lot owner shall have full use of the recreational facilities, for himself, his family and guests.

10. SUBDIVIDING OF LOTS: No lot may be subdivided except with the written consent of the Developer.

11. EASEMENT FOR UTILITIES: The Developer reserves exclusively unto itself, its heirs or assigns, the right to erect and maintain electric and telephone poles or facilities, conduits, equipment, sewer, gas or water lines along existing roadways and rights of way, or to grant easements or rights of way therefor, with the right of ingress and egress for the purpose of erection or maintenance on, over or under a strip of land 15 feet wide at any point along the side, rear or front lines of any lots or tracts upon said property.

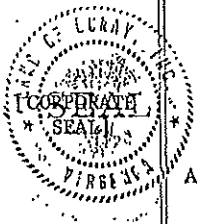
12. NUMBER OF RESIDENCES PER BUILDING LOT: Only one residence shall be constructed on a lot less than one acre in size, unless written permission to do otherwise is first obtained from the Developer.

13. APPROVAL OF DISPOSAL AND DRAINAGE FACILITIES: All drainage fields, septic tanks and cesspools must be approved by the Virginia State Health Department.

14. RESERVATION OF RIGHTS: Notwithstanding anything herein to the contrary, the Developer shall have the right to alter, amend or add to these covenants for the purpose of protecting the health and welfare of the property owners, or approve any deviation, alteration or exception for any lot owner, where such deviation would be in the best interest of the subdivision, in the discretion of the Developer.

15. SCOPE: All sales, leases, contracts and other agreements made with reference to this subdivision, or lots thereof, shall be made subject to these covenants.

16. INVALIDATION: Invalidation of any one of these restrictions for any reason shall not thereby invalidate any other restriction contained herein.



WITNESS the following signatures and seals:

LAND OF LURAY, INC.

By Jerrold L. Hecht
Jerrold L. Hecht, President

ATTEST:
Sigmund A. Gershman
Sigmund A. Gershman, Secretary

Roby G. Janney (SEAL)
Roby G. Janney, Trustee

STATE OF VIRGINIA
CITY OF RICHMOND, to-wit:

I, Juanita T. Smith, a Notary Public in and for the City aforesaid, in the State of Virginia, hereby certify that JERROLD L. HECHT, President, and SIGMUND A. GERSHMAN, Secretary, of LAND OF LURAY, INC., whose names are signed to the foregoing Deed of Dedication, bearing date on the 31st day of August, 1971, have personally appeared before me and acknowledged the same in my City and State aforesaid.

Given under my hand this 31st day of August, 1971.

My commission expires: August 26, 1975.

Juanita T. Smith
Notary Public

STATE OF VIRGINIA
COUNTY OF PAGE, to-wit:

I, the undersigned Notary Public in and for the County of Page, in the State of Virginia, hereby certify that ROBY G. JANNEY, as TRUSTEE, whose name is signed to the foregoing Deed of Dedication bearing date on the 31st day of August, 1971, has personally appeared before me and acknowledged the same in my County and State aforesaid.

Given under my hand this 1st day of September, 1971.

My commission expires:

Joan A. Nichols
Notary Public

VIRGINIA: IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF PAGE COUNTY. THIS INSTRUMENT, WITH THE CERTIFICATE OF ADOPTION AND THE THERETO ANNEXED IS ADMITTED TO C R AT 1:30 P.M. September 1, 1971 THE STATE TAX OF \$ 5.18 TAX - SEC. 5.18 James S. Campbell AID. CLERK

Luray VA 22835

USBC: 2015

INSPECTION DATE: 8/27/2021

INSPECTION TIME:

BUILD ELECT INLIEU PLUMB REVIEW

OWNER NAME/ADDRESS
CARDWELL JEFFREY A
PO BOX 31
LURAY VA 22835SITE ADDRESS
PARK VIEW RD
LURAY VA 22835CONTRACTOR NAME/ADDRESS
Contractor Not Defined

PHONE: 5402449536

PHONE: 000 000 0000

RE ACCOUNT#: 7025

DESCRIPTION OF CONSTRUCTION LOCATION

TAX MAP NO.: 48B 6 B14

SECTION:

BLOCK:

LOT:

BLDG NO.:

SET-BACKS:

UTILITY CO/INQ#:

/

DISTRICT: MARKSVILLE

FRONT: BACK:

FLOODPLAIN: N

HEALTH PERMIT#:

SUB-DIVISION: LAND OF LURAY

RIGHT: LEFT:

AREA:

ZONE: Residential

CNTR : FRTGE:

RIGHT-OF-WAY:

GREEN CARD:

S/E CUP NO.:

SITE PLAN:

DIRECTIONS TO SITE: 211W, LEFT ON LONGS RD, RIGHT ON MEADOWVIEW DR, RIGHT O
NTO PARKVIEW DR, PASS DOYLE RD ON LEFT, NEXT LOT ON LEFT

NATURE OF WORK: NEW SINGLE-WIDE MOBILE HOME, 8X14 S DECK

USE GROUP: R-5 RESIDENTIAL GROUP

USE CODE: MOBILE HOMES

CONST. TYPE: RESIDENTIAL - NEW

SQ FEET:

ISS.DATE:

RENEWAL DATE:

ZONING

CONTRACTOR: Owner Contracted

RESIDENTIAL

COMMERCIAL

NEW HOME

ADDITION

PORCH (ES)

ACCESSORY

ACCESS ADD

DECK (S)

NEW TOWER

TOWER COLL

SIGN

PROP USE

NOTE

NOTE

NOTE

NOTE

NOTE

NOTES TO INSPECTOR:

Zoning - Inspection Results:

SCHEDULED INSPECTOR:

ALL FAILED INSPECTIONS REQUIRE A REINSPECTION FEE. THIS FEE
MUST BE PAID BEFORE THE INSPECTION CAN BE RESCHEDULED.

PASS: _____

FAIL: ☒

RESCHEDULE _____

DATE: _____

TIME: _____

** COMMENTS **

Need SUP - Spoke to Mike @ Paks + Mr. Cardwell.
9/7/21 - picked up SUP packetINSPECTOR SIGNATURE: Yany Chen

PAGE COUNTY ZONING PERMIT APPLICATION

- 1) The applicant is the: ☒ Owner ☐ Lessee ☐ Agent for Owner/Lessee

Owner	Lessee (if applicable)
Name: <u>Jeffrey A Cardwell</u>	Name:
Mailing Address: <u>P.O. Box 36</u>	Mailing Address:
<u>Luray Va 22835</u>	
Phone Number: <u>540-244-9536</u>	Phone Number:
Email (Optional): <u>Cabinman1953@gmail</u>	Email (Optional):

- 2) Site Address of Construction:

48 B-6-B14 ~~0000~~ Parkview Rd. Luray (KB)

- 3) Please provide detailed directions to the site: Rt 211 Towards New market

to Rt 615 Longs Rd, R on Meadowbrook
R on Parkview 1/4 mile on left

- 4) Tax Map Number (Office staff can provide): 48 B-6-B14 ~~0000~~

- 5) Size of Property: 1.8 +/-

- 6) Is property located in a subdivision? ☒ Yes ☐ No

If yes, which one: land of Luray

- 7) Is property located in the floodplain? ☐ Yes ☒ No (KB)

- 8) Is this application the result of receiving a violation notice? ☐ Yes ☒ No (KB)

- 9) Water and sewage source for the property:

☒ Private Well ☒ Private Septic ☐ Public Water ☐ Public Sewer ☐ None

- 10) Is a new entrance being created off of a state maintained road? ☒ Yes ☐ No

- 11) Current use of property (Ex: Vacant, Residence, Farming, etc.): Vacant / storage bldg

- 12) List existing structures that are currently on the property:

2 storage building 1 Trailer

- 13) Proposed Structure (Ex: New Home, Addition, Porch, Deck, Accessory Building, etc.):

New Home w/ Garage

- 14) The proposed structure will be used for the following: Residence, Storage of Hay, Household Storage, etc.

Residence

- 15) Will the proposed structure or property be used for any type of business? Business uses may include, but is not limited to: cabin rental(s), farming operation, home occupation, virtual business, etc.?

☐ Yes ☒ No If yes, please describe of business: _____

16) Dimensions of Proposed Structure: 13'8" x 48 (KB)

17) Height of Proposed Structure: 12 feet (KB)

18) The property is Zoned (Office staff can provide):

☐ Agriculture (A-1)

☐ Woodland-Conservation (W-C)

☒ Residential (R) (KB)

☐ Commercial (C-1)

☐ Industrial (I-1)

☐ Park-Recreation (P-R)

19) Refer to the Page County Setback Requirements (attached) and fill in the required and proposed setbacks for the property.

REQUIRED minimum setbacks:

PROPOSED minimum setbacks:

Front: 35 feet

Front: 35+ feet

Rear: 50 feet

Rear: 50+ feet

Left Side: 15 feet

Left Side: 15+ feet

Right Side: 15 feet

Right Side: 15+ feet

(KB)
per p10

20) Distance to closest building: 20-25 feet

21) Is the proposed structure staked off AND have the property lines been flagged as described on the instruction sheet?

(NOTE: As stated on the instruction sheet, if the property is not staked and flagged at the time of inspection, a second trip fee, equal to the fee amount for the initial application will be charged).

☒ Yes

☐ No

If no, indicate date it will be ready for inspection: _____

22) Estimated cost of construction: 87,000 (KB)

I (we), the undersigned, do hereby certify that the above information is correct and true. I (we) further understand that in granting approval of this application, the Board of Supervisors and/or Zoning Administrator may require that I (we) comply with certain conditions and that such approval shall not be considered valid until these conditions are met.

Jeffrey A. Carball
Signature of Owner (if applicable)

Date

Signature of Lessee (if applicable)

Date

Signature of Agent for Owner/Lessee (if applicable- see below)

Date

If agent for owner, please provide the following information:

Mailing address of agent for owner: _____

Phone Number of agent for owner: _____

I, Jeffrey A. Carball hereby certify that the proposed structure is not under or close to any power lines. I understand that this is my responsibility as the owner or applicant and any costs associated to negligence will be my responsibility. **If you have questions or are uncertain of location of overhead or underground power lines, please contact SVEC at 1-800-234-7832.

If you do not have a recorded survey plat of the property, draw a site plan below. The following items shall be included on the site plan:

- Roads/ Right-of-Ways/ Driveways/ Easements
- Existing structures currently on the property
- Proposed structure INCLUDING square footage from all property lines, existing structures, AND any right-of-ways/ driveways/easements/roads.

see attached

OFFICE USE ONLY:

Date Application Received: 8/27/21 Permit Number: _____ Staff initials: KMB Application Fee: 200.00
Date Paid: 8/27/21 ☒ Check # _____ ☐ Debit Card ☐ Credit Card ☐ Cash
Comments: _____

Page County, Virginia

Legend

- 9-1-1 Addresses
- US Highways
- Roads
- Railroads
- Other Counties
- Parcels
- FEMA Flood Zones
 - 500-Year Flood
 - ▨ 100-Year Flood
 - Shenandoah River
 - Streams



Title:

Date: 8/27/2021

Feet
0 25 50 75 100
1:1,128 / 1"=94 Feet

DISCLAIMER: THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, either expressly or implied, but no limited to, the implied warranties of merchantability and fitness for a particular purpose. Site-specific information is best obtained after an onsite visit by a competent professional. Please call Page County, VA for specialized products. Any person, firm or corporation which uses this map or any of the enclosed information assumes all risk for the inaccuracy thereof, as Page County, VA expressly disclaims any liability for loss or damage arising from the use of said information by any third party. In addition use of Virginia Base Mapping Program (VBMP) statewide aerial photography requires the following disclaimer: "Any determination of topography or contours, or any depiction of physical improvements, property lines or boundaries is for general information only and shall not be used for the design, modification, or construction of improvements to real property or for flood plain determination."

MINUTES
PAGE COUNTY PLANNING COMMISSION
October 26, 2021

Members Present

Catherine Grech, District 1
Steve Atkins, District 2
James Holsinger, District 4

Donnie Middleton, District 2
Jared Burner, Chairman, District 3
Isaac Smelser, District 4

Members Absent

Keith Weakley, Vice Chairman, District 3

William Turner, Secretary, District 5

Staff Present

Tracy Clatterbuck

Kelly Butler

Call to Order

Chairman Burner called the October 26, 2021 Page County Planning Commission Work Session to order in the Board of Supervisors Room located at the Page County Government Center, 103 S Court Street, Luray, Virginia at 7:00 p.m. The call to order was followed by *The Pledge of Allegiance* and a *Moment of Silence*. Chairman Burner reminded all commissioners and speakers to please turn on and/or speak into the microphones. The meeting was live streamed via YouTube. Ms. Clatterbuck conducted an attendance roll call. Keith Weakley and William Turner were noted as absent.

Adoption of Agenda

Mr. Holsinger made a motion to adopt the agenda as presented. Mr. Smelser seconded the motion. The motion passed unanimously 6-0.

Public Hearing

A. Gray Media Group, Inc. (WHSV-TV) - Public Hearing of Special Use Permit Application

Ms. Clatterbuck presented the following staff report:

Gray Media Inc., (WHSV-TV) has filed an application for a SUP to replace an aging guyed wire tower with a 125' self-standing structure (with a 21' antenna and 7'6" lightning rod attached to top of the tower) located on State Route 685 (Big Mountain Road), Shenandoah, VA. The parcel is identified by tax map number 58-A-2 and is zoned as Parks-Recreation. The property is improved with numerous existing towers and an equipment shelter. Pursuant to §125-30.3 F(1)(b)[2] (Wireless communications facilities) of the Page County Zoning Ordinance, any new tower in the P-R zoning district requires a SUP.

The applicant reached out to the following agencies for comments:

Virginia Department of Transportation (VDOT) – Per James Craun, with the Virginia Department of Transportation, the department has no objections as this has no significant impact to VDOT right-of-way.

Health Department - Per Herbert Cormier with the Page County Health Department, the proposed construction does not appear to encroach on any existing sewage disposal systems or water supplies on the property or those of any neighboring properties.

Building Official - Per James Campbell, Page County Building Official, if approved applicable permits are required prior to construction of the tower and/or equipment.

The Page County Comprehensive Plan, Volume 1, Chapter 3, states the following:

- Goal 5, Policy 5.17- *“Ensure that public facilities and utilities are adequate, development impacts are assessed, ground and surface waters are completely protected and sufficient buffering is provided for adjacent land users as part of the development review process.”*

- Goal 6, Policy 6.3- *"Encourage the expansion of telecommunications infrastructure throughout the County, including an open access fiber optic network, broadband service and other high-speed communications infrastructure, to support technology-dependent industries."*
- Goal 11, Policy 11.1- *"Ensure that adequate utility services are available to meet existing and projected needs of all County users."*
- Goal 11, Policy 11.2- *"Develop and maintain adequate public facilities that meet the current and future needs of the County."*
- Goal 11, Policy 11.3- *"Ensure that the minimum level of service, consistent with development need, is provided at the time development occurs."*
- Goal 11, Policy 11.4- *"Enhance Page County's telecommunication infrastructure."*
- Goal 11, Policy 11.20- *"Ensure that public police, fire, and other emergency services provide the highest level of citizen protection within the fiscal resources of the County."*

Gray Media Group, Inc. (WHSV-TV) and/or their contractors will be responsible for applicable permits and/or any outside contractors licenses required. Along with the WHSV-TV translator, they also lease the tower to Rockingham County, Page County, and Lord Fairfax County.

Staff is recommending the Page County Planning Commission recommend approval of the special use permit application for Gray Media Group, Inc. (WHSV-TV) to construct a 125' self-standing structure with a 21' antenna and 7'6" lighting rod attached to top of tower (with the attached permit conditions).

Ms. Clatterbuck noted that the signature that was missing from the special use authorization form has been received and the Commissioners were given a copy. Also, she stated that there was an email being passed to the Commissioners about the life of the tower. Scott Kessler with Gray Media Group was available for questions.

Chairman Burner opened up the public comment portion of the public hearing at 7:05 p.m. for the 2232 Review of the proposed use. Ms. Clatterbuck stated that there were no speakers. Chairman Burner closed the public comment portion of the public hearing at 7:06 p.m. Chairman Burner asked if there was any discussion regarding the 2232 review of this application. There was no discussion.

Mr. Holsinger made a motion to accept this proposed special use permit application as in substantial accord with the Page County Comprehensive Plan, pursuant to §15.2-2232 of the Code of Virginia, as amended. Mr. Smelser seconded the motion. The motion passed unanimously, 6-0.

Chairman Burner opened up the public comment portion of the public hearing at 7:07 p.m. for the special use permit application. Ms. Clatterbuck stated that there were no speakers. Chairman Burner closed the public comment portion of the public hearing at 7:07 p.m. Chairman Burner asked if there was any discussion regarding the special use permit application.

Mr. Holsinger asked if there was a recommendation for the life of the special use permit from the applicant. Ms. Clatterbuck stated that the term suggested in the draft conditions is 50 years. Mrs. Grech asked what the life of the lease was. Mr. Kessler stated that the life of the lease is until 2050. Mrs. Grech asked if the length of the SUP should be adjusted to the length of the lease. Mr. Kessler stated that the lease is renewable after that term is up and they do not plan on moving from there any time soon. Chairman Burner stated that his biggest concern is to not encroach on the lifespan of the tower. Mrs. Grech asked if we should consult legal. Ms. Clatterbuck stated a joint conversation between legal counsel for both parties could be arranged. Mr. Holsinger suggested that he believes the term of the SUP should match the life of the tower. Their investment is too much to make it for the term of the lease.

Chairman Burner asked if the reason why the tower cannot exceed 125 feet is because the closest boundary is 125 feet. Ms. Clatterbuck stated that was not the reason; there is no issue related to setbacks as the boundaries are hundreds of feet away. That is the height that was specifically requested by the applicant. Chairman Burner stated limiting the height to 125 feet restricts them from future expansion without another special use permit. Mr. Holsinger made a motion to have the height set at the maximum allowed by code of 199 feet total because of the location of the boundaries. Mr. Atkins seconded the motion. The motion passed unanimously, 6-0.

Chairman Burner noted the condition required of having the tower inspected at least every five years and that inspection being submitted to the county.

Mr. Holsinger made a motion to recommend approval of the special use permit application for Gray Media Group, Inc. (WHSV-TV) to construct a 199' self-standing structure (with the attached permit conditions). Mr. Atkins seconded the motion. The motion passed unanimously, 6-0.

New Business

A. Lonnie & Dorothy Foster - Introduction of Special Use Permit Application

Ms. Clatterbuck gave the following staff report:

Lonnie and Dorothy Foster have filed an application for a SUP to operate a home occupation in an accessory building located on Elgin Drive, Luray, VA, and further identified by tax map number 33-A-52. This property contains 4.065 acres and is currently zoned as Agriculture (A-1). The applicants have plans in the near future to construct a new home and a 26x30 detached garage. The home occupation will be operated out of the detached garage. The proposed business will be a sporting goods retail sales shop. The applicant intends to sell guns and outdoor sporting supplies, including but not limited to, firearms, accessories, and basic assembly of parts and pieces. The applicant will be open 1-2 days per week and by appointment. The intention is to expand days/hours of operation within approximately five years. Mr. Foster currently holds a federal firearms license and has been operating this business for two years from a room in his current residence.

Section 125-10 C(3) of the Page County Zoning Ordinance, states that home occupations pursuant to § 125-15 (Home Occupation Regulations) are a permitted accessory use when located on the same lot with the permitted principal use. However, § 125-15 B states that home occupations in accessory buildings are only permitted by SUP. Staff has attached a copy of § 125-15 (Home Occupation Regulations) of the Page County Zoning Ordinance for requirements described in code that the applicant must comply with, in addition to any conditions that are attached to the SUP.

The applicant reached out to the following agencies for comments:

Virginia Department of Transportation (VDOT) – Per James Craun with VDOT, the entrance is approved and has no significant impact to the VDOT right-of-way.

Health Department - Per Herbert Cormier with the Health Department, he has no objections to a home occupation at the property. He further noted that the applicant is aware that application for permits for sewer lines, septic tanks, and conveyance line must be made to their office prior to issuance of the operational permit.

Building Official- Per James Campbell, Page County Building Official, he has no objections to the proposed use. The applicants will be required to obtain applicable permits prior to the start of construction.

This property falls within the “Agricultural Protection Tier” and into the designation of “Prime Farmland”. Due to the low impact, the proposed business would not change the character of the property/area. This application supports the following goals of the Page Country Comprehensive Plan:

- Chapter 3, Goal 6, Section 6.2 states, *“Encourage economic growth that is compatible with the County’s rural character while generating a positive net cash flow for the county.”*
- Chapter 3, Goal 6, Section 6.12 states, *“Enhance the County’s tourism and retail base.”*

The applicant will be required to maintain a Page County business license which will result in tax revenue for the county.

Staff recommends that the Page County Planning Commission hold a public hearing on this special use permit application at the November 9, 2021 Regular Meeting, and direct staff to provide adequate notice of such hearing in accordance with the Code of Virginia § 15.2-2204.

Ms. Clatterbuck stated that Mr. Foster is present if you have any questions. Mr. Holsinger asked if the applicant intends to do any gun repair. Mr. Foster stated that he will do basic repairs, but will not get into heavy gunsmithing. He stated that his current license is for sales and manufacturing. Mr. Holsinger stated that in the County the true incubator for business is home occupations; small businesses that start just like this one. They are important in Page County as there is no other successful incubator. Mr. Smelser asked Mr. Foster how long had he been in business. Mr. Foster stated he has been in business for two years. Mr. Middleton asked if there will be any firing of weapons there. Mr. Foster stated not for the business; however, he may fire his personal weapons. Mrs. Grech asked for clarification that there currently is nothing on the property. Mr. Foster stated that he will be building his house and the garage. The well and septic are already on the property.

Mr. Holsinger made a motion for the Page County Planning Commission to hold a public hearing on this special use permit application at the November 9, 2021 Regular Meeting, and direct staff to provide adequate notice of such hearing in accordance with Code of Virginia § 15.2-2204. Mrs. Grech seconded the motion. The motion passed unanimously, 6-0.

B. Cape Solar, LLC - Introduction of Special Use Permit Application

Ms. Clatterbuck provided the following staff report:

Cape Solar, LLC (applicant) has filed an application for a SUP for a photovoltaic solar electric generating facility on approximately 559 acres of land on the east side of U.S. Route 340 north near the intersection with Hinton Road, Luray, VA. The project site will utilize a VDOT-approved entrance at or near the intersection of Sandy Hook Road and U.S. 340 north as its primary entrance for construction, inspection, and service of the project. The parcels included in this application are identified by tax map numbers 32-4-1, 32-4-1A, 32-A-43, 32-A-48, 42-A-14B, 32-A-55, 32-A-56, 32-A-56A, 32-A-56B, and 32-A-56C. These parcels are zoned as Agriculture (A-1). The land is currently being used for agriculture purposes. Pursuant to § 125-10.D.(6) [Agriculture] of the Page County Zoning Ordinance, electric facilities operating above 40 kilovolts require a SUP.

According to § 125-54.B.(2)(a) and (b), *Special use (exception) permit*, of the Page County Zoning Ordinance it states:

“(a) The proposal as submitted or modified shall conform to the Page County Comprehensive Plan, or to specific elements of the plan, and to the official County policies adopted in relation thereto, including the purposes of the Zoning Chapter.

(b) The proposal as submitted or modified shall have a minimum adverse impact on the surrounding neighborhood or community. Adverse impact shall be evaluated with consideration to items such as, but not limited to, traffic generation and congestion, noise, lights, dust, drainage, water quality, air quality, odor, fumes and vibrations. In considering impacts, due regard shall be given to the timing frequency of the operation, site design, access, screening or other matters which might be regulated

to mitigate adverse impact.”

Furthermore, in § 125-54.C.(2) it states:

“(2) The applicant for a special use permit shall provide, at the time of the application, information and/or data to demonstrate that the proposed use shall be in harmony with the statement of intent of the specific zoning district in which it will be located. Further, the applicant shall have the responsibility to demonstrate as part of the application that the proposed use shall have minimum adverse impacts on adjoining property and the surrounding neighborhood in terms of public health, safety, or general welfare, and the specific adverse impacts contained in § 125-54B(2)(b).”

In the Page County Zoning Ordinance, the only supplemental regulation specifically defined for electric facilities operating above 40 kilovolts reads as follows in § 125-30.1:

“Applications for special use permits to construct electrical facilities above 40 kilovolts may be made by filing one special use application for the entire route of the transmission line or electrical facility, rather than on a parcel-by-parcel basis.”

Since the current ordinance states a SUP is required and only addresses the number of applications required, staff strongly urges the commission and board to carefully consider any proposed conditions that are attached to the SUP. The conditions in the permit will be the only enforcement we have over the SUP. Wording of the conditions is very important when it comes to enforcement. Section 125-54.D(2) states:

“The Commission shall review and make recommendations to the governing body concerning the approval or disapproval of any special use permit. No such recommendation shall be made until after a public hearing is held in accordance with § 15.2-2204 of the Code of Virginia, as amended. The Commission shall base its recommendation upon the review of the submitted application materials, the specific and general standards for the special use, public comment received at the hearing, and the information and evaluation prepared by the Administrator. In making a recommendation to the governing body, the Commission may recommend any conditions necessary to ensure that the proposal meets the specific and general standards for the proposed use. Any such conditions shall be related to the design, scale, use, timing, or operation of the proposed special use. Where warranted, for the purpose of compliance with the general standards for special uses, such conditions may exceed the specific standards for the use found elsewhere in this chapter.”

The applicant has proposed SUP conditions (Section 2, Item B) which are included in the application packet for your review. Staff urges the commission and board to take time to carefully consider and discuss conditions associated with the permit.

The applicant has reached out to the following agencies for comments:

Virginia Department of Transportation (VDOT) – Per James Craun with VDOT, “the proposed use is not expected to generate traffic that would have a significant impact on the Rt. 340 right of way. VDOT will need to review and approve site plans for the new entrance onto Rt. 340 near the intersection with Rt. 648 (Sandy Hook Rd).”

Health Department - Per Herbert Cormier with the Health Department, “nine of the ten parcels are described in records available to the Health Department as ‘vacant.’ The property at 530 Hinton Rd. (TM #42-A-14B) has an existing dwelling on it. This Health Department recommends that care be taken during construction of any or part of the proposed facility so as not to damage any part or component of the existing sewage disposal system or water supply serving the property. If the sewage disposal system is to be abandoned so as to make room for any proposed construction, applicant is urged to notify this Health Department for proper abandonment procedures.”

Building Official - Per James Campbell, Page County Building Official, he has no objections to the proposed use. The applicants will be required to obtain applicable permits prior to the start of construction.

Pursuant to § 15.2-2232, et al., of the Code of Virginia, the commission shall determine whether or not Cape Solar, LLC is "substantially in accord" with the Page County Comprehensive Plan. The Code of Virginia allows a locality to conduct a substantial accord review to be advertised and approved concurrently in a public hearing process with a SUP. Staff has provided commissioners with a copy of the Page County Comprehensive Plan (Volume I and II) for review and consideration.

Ms. Clatterbuck stated that Robert Janney was here to speak to the Commission. Mr. Janney was present on behalf of Urban Grid requesting the Commission to set a public hearing on the Special Use Permit application and to review the application to be "substantially in accord" with the Page County Comprehensive Plan. This matter has been filed with the County since December 11, 2020. The outside perimeter encompasses 550 acres. The facility will be environmentally friendly. It is a passive use of land. It doesn't impact the neighbors with smells, sounds, traffic, or impact the school system. Most of the concerns of the citizens is from the viewshed impact and a negative impact on the tourists. Mr. Janney stated they are entitled to have a hearing on the matter.

Ms. Clatterbuck stated that Mr. Weakley could not be here for the meeting but asked that the following letter be read: Mr. Weakley stated "We have heard many citizens make public comments regarding the Cape Solar agenda items and the existing moratorium. I share that concern. I am both concerned and unsure how we can proceed with a moratorium in place. I feel strongly we should table this matter until we receive either a written directive from the Board of Supervisors or a written legal opinion from the County attorney stating that this can be placed on our agenda. Only the Board can direct us to take up this matter as they imposed the moratorium. Direction from County staff is insufficient and inappropriate."

Mr. Janney responded that he was under the impression that the County Administrator asked that this matter be moved forward by the Planning Commission and that the Supervisors asked that it be put on the docket at the last meeting for the purpose of setting the public hearing. That didn't happen because the agenda was changed at the last moment to remove the matter. He doesn't believe there is a serious argument that the moratorium has any legal effect. They didn't amend the ordinance for the statute. They adopted a resolution and said there would be a moratorium. He stated the county attorney can advise the Commission. He would like to get this set for a public hearing and get it moving forward. Mrs. Grech stated given that Mr. Weakley is not here to respond to Mr. Janney she felt very uncomfortable proceeding. She doesn't believe they should be discussing it. There is a moratorium in place. We have not received written direction from the Board as to how to proceed. We have only received direction from staff.

Mrs. Grech made a motion to table the matter until the next meeting. And hopefully by then they will have received direction from the Board of Supervisors. Mr. Middleton seconded the motion.

Mr. Holsinger asked staff if they have been directed by the Board to have a public hearing on this matter and even a specific date. Ms. Clatterbuck stated she was provided an email from her supervisor, Amity Moler, that said the Board of Supervisors wanted the Cape Solar application on the agenda for the October 12 meeting. Mrs. Grech respectfully interjected that there is nothing on the record from the Board of Supervisors indicating that. There is nothing in the minutes. She stated she felt very uncomfortable proceeding.

Mr. Holsinger stated there were three new members here. There are three old members here. All three of the old members voted to send it on without the Commission's recommendation to proceed. The three

new members have not voted on it; therefore, if they were requesting some time, he may take it more seriously. This is a request to delay. He cannot take that request seriously. When you set a public hearing, the public gets to speak and they will speak. Then the Commission will vote. If the three old members don't change their mind and if the three new members felt they were knowledgeable enough to place a vote, you would only need one of them to decide to send this on without the Commission's recommendation. He stated he felt by delaying they are not meeting the needs of the public hearing and the needs of the public. Mr. Smelser agreed with Mr. Holsinger stating he understands he is new to the Commission. He has been reading into this and getting feedback from the community. He doesn't see any reason to keep this on their plate. He stated it should be moved forward and let the Board of Supervisors act on it. He further stated that he is not for the Special Use Permit. There is no need to delay.

Chairman Burner responded that he took an oath on the Bible that he would do everything in his power to uphold the policies of this county. He would responsibly vet each and every process that came through. We currently have a policy that has been enacted by the Board of Supervisors that has not been clarified. We do not have it in writing from the Board of Supervisors. He stated that he does not feel comfortable moving forward with a public hearing when they do not have the powers of the Board of Supervisors to dictate this. He stated that the Commission works at their pleasure. They have not been told exactly what's going on with this. Until the answer is given that responsibility falls directly on the Board of Supervisors. It is not in their best interest to proceed with this because it violates an oath that he took. Mr. Holsinger stated that they all get to vote.

Chairman Burner reminded them that there is a motion on the table to table the matter until the next meeting. The motion passed 4-2, with Mr. Holsinger and Mr. Smelser dissenting.

B. High Speed Link/Tanners Ridge Properties, LLC - Introduction of Special Use Permit Application

Ms. Clatterbuck gave the following staff report:

HighSpeed Link (Occupant) and Tanners Ride Properties, LLC (Landowner) have filed an application for a SUP to construct a new 100' self-support tower and antennas with a 4' tall lighting rod attached to the top of the tower located on State Route 682 (Tanners Ridge Road), Stanley, VA. The parcel is identified by tax map number 100-A-11A, contains 1.783 acres, and is zoned as Woodland-Conservation (W-C). The property is improved with numerous existing towers and an existing equipment shelter. The proposed tower meets the minimum setbacks required from all property lines. Pursuant to §125-30.3 F(1)(b)[2] (Wireless communications facilities) of the Page County Zoning Ordinance, any new tower in the W-C zoning district requires a SUP.

Other agency comments were:

Virginia Department of Transportation (VDOT) – Per James Craun, with the Virginia Department of Transportation, the proposed use/structure will not have a significant impact to the VDOT right-of-way.

Health Department - Per Herbert Cormier with the Page County Health Department, their office has no objections to the construction of the new proposed tower.

Building Official - Per James Campbell, Page County Building Official, he has no objections to the proposed use noting that applicable permits will be required prior to construction.

The Page County Comprehensive Plan, Volume 1, Chapter 3, states the following:

- Goal 5, Policy 5.17- *“Ensure that public facilities and utilities are adequate, development impacts are assessed, ground and surface waters are completely protected and sufficient buffering is provided for adjacent land users as part of the development review process.”*
- Goal 6, Policy 6.3- *“Encourage the expansion of telecommunications infrastructure throughout the County, including an open access fiber optic network, broadband service and other high-speed*

communications infrastructure, to support technology-dependent industries.”

- Goal 11, Policy 11.1- *“Ensure that adequate utility services are available to meet existing and projected needs of all County users.”*
- Goal 11, Policy 11.2- *“Develop and maintain adequate public facilities that meet the current and future needs of the County.”*
- Goal 11, Policy 11.3- *“Ensure that the minimum level of service, consistent with development need, is provided at the time development occurs.”*
- Goal 11, Policy 11.4- *“Enhance Page County’s telecommunication infrastructure.”*
- Goal 11, Policy 11.20- *“Ensure that public police, fire, and other emergency services provide the highest level of citizen protection within the fiscal resources of the County.”*

Ms. Clatterbuck stated that the proposed tower does meet the required setbacks from all the property lines. They are proposing a 7-foot chain link fence. No security lights are proposed at this time.

Ms. Clatterbuck stated there were comments that staff has provided after their review of the application. Staff has provided that list of comments to the applicant and the Commissioners. Items addressed were the tower design, proof of insurance, screening and landscaping, the lease agreement, the term of the SUP, and the soils report. The applicant wishes to go through the approval for the land use request before investing in the design of the tower. Ms. Clatterbuck stated that staff can support that request by making it a condition of the SUP. The applicant has requested the Commission and Board waive the requirement for landscaping and a buffer as the area is surrounded by mature hardwood trees. Ryan Fletcher is here on behalf of HighSpeed Link.

Mr. Middleton asked if the equipment has battery back-up or a generator or both. Mr. Fletcher, in response, introduced himself and explained that the application for the three new towers is part of a plan to provide state-of-the-art capacity for wireless broadband services to the County. This is providing fiber internet through wireless tower, instead of typical aerial or in-ground like with Verizon or Comcast. This is broadcast in a similar way as a cell tower where it would be broadcast wirelessly from tower to tower. Existing towers are looked at first, then they look at having to build new towers second. At this point, there are three proposals for new towers and six leases under way with existing towers. This will increase their coverage across the county. Addressing Mr. Middleton’s question, the three towers will have back-up generators.

Mr. Fletcher addressed the requirement for a soils report. Typically, they do not invest in a soils report prior to zoning approval. Once they received zoning approval then they will order the soils report which takes about 30 days to complete. From that soils report, which will be provided to the county, they will develop a design. Mr. Fletcher addressed the landscaping requirement stating they have no problem providing landscaping; however, all three sites are surrounded by mature hard woods.

Chairman Burner asked about their choice for the height of the tower, whether that was based on boundary lines. Mr. Fletcher stated that it is a one-to-one setback. It depends on the coverage needs for that location and the ground elevation. It is determined by an engineer. This tower will be available for collocation, whether it would be another broadband provider or a wireless carrier.

Mr. Atkins asked if the location of this tower is where the County is putting a tower also. Ms. Clatterbuck confirmed. She also stated, according to information provided by the applicant, because of the equipment going on the County tower it was going to use the majority of the space on that tower. The assumption would be they needed more space; therefore, they need another tower.

Mrs. Grech asked if there was a site plan that shows the location of both proposed towers, the County’s

tower and the HighSpeed Link tower. She asked what the setback was between towers. Ms. Clatterbuck stated the current ordinance does not address setbacks between towers. It only addresses setbacks from property lines. There was additional discussion on the location of both towers. Mr. Fletcher asked if he could get a copy of the site plan proposed by the County for the EMS tower, he stated he would overlay that on their site plan.

Mr. Holsinger has asked for a statement from the engineers that there will be no interference between the two towers, particularly for that of the EMS tower.

There was discussion as to whether the application was complete without the items discussed. And could it be sent to public hearing with that being a condition.

Chairman Burner asked how can you determine the height of the tower without a soils report. Mr. Fletcher explained that the soils report will dictate the foundation design. The footprint under the ground will support whatever the height is needed to be.

Mr. Holsinger asked how many people could be serviced by this project. Mr. Fletcher stated that he can get that information for the total number to be serviced by the nine towers/collocates and how many each site will service.

Chairman Burner asked how long the applicant may need to provide an interference letter and a site plan showing both proposed towers. Mr. Fletcher stated they could provide that within 30 days.

Mr. Holsinger made a motion to table this matter until the next meeting. Hopefully, the applicant can provide the requested information by then. If so, at the time, it could possibly be set for public hearing for the following meeting. Mr. Atkins seconded the motion. The motion passed unanimously.

C. High Speed Link/Alex Phillips - Introduction of Special Use Permit Application

Ms. Clatterbuck gave the following staff report:

HighSpeed Link/Alex Phillips (Occupant and Landowner) have filed an application for a SUP to construct a new 150' monopole and antennas with a 4' tall lighting rod attached to the top of the tower located off of Piney Mountain Road, Luray, VA. The parcel is identified by tax map number 44-5-2, contains 13 acres, and is zoned as Woodland-Conservation (W-C). The property is currently vacant. The proposed monopole meets the minimum setback requirements along the western and eastern property lines; however, the proposed monopole does not meet the minimum setback requirements along the northern and southern property lines. HighSpeed Link is requesting a reduction in the required minimum setbacks for the northern and southern lines under Section 125-30.3G.(2)(a) of the Page County Zoning Ordinance. The applicant has provided a report from Sabre Industries, dated 9/17/2021, certifying that the tower is designed to collapse upon failure within the distance from the tower to the property line.

Pursuant to §125-30.3 F(1)(b)[2] (Wireless communications facilities) of the Page County Zoning Ordinance, any new tower in the W-C zoning district requires a SUP.

Other agency comments were as followings:

Virginia Department of Transportation (VDOT) – Per James Craun, with the Virginia Department of Transportation, the property is served by an existing private entrance that connects to Clearview Road. The entrance meets VDOT minimum requirements. The proposed use should not have any adverse effect to the VDOT right-of-way.

Health Department - Per Herbert Cormier with the Page County Health Department, their office has no objections to the construction of the new proposed monopole.

Building Official - Per James Campbell, Page County Building Official, he has no objections to the proposed use noting that applicable permits will be required prior to construction.

The Page County Comprehensive Plan, Volume 1, Chapter 3, states the following:

- Goal 5, Policy 5.17- *"Ensure that public facilities and utilities are adequate, development impacts are assessed, ground and surface waters are completely protected and sufficient buffering is provided for adjacent land users as part of the development review process."*
- Goal 6, Policy 6.3- *"Encourage the expansion of telecommunications infrastructure throughout the County, including an open access fiber optic network, broadband service and other high-speed communications infrastructure, to support technology-dependent industries."*
- Goal 11, Policy 11.1- *"Ensure that adequate utility services are available to meet existing and projected needs of all County users."*
- Goal 11, Policy 11.2- *"Develop and maintain adequate public facilities that meet the current and future needs of the County."*
- Goal 11, Policy 11.3- *"Ensure that the minimum level of service, consistent with development need, is provided at the time development occurs."*
- Goal 11, Policy 11.4- *"Enhance Page County's telecommunication infrastructure."*
- Goal 11, Policy 11.20- *"Ensure that public police, fire, and other emergency services provide the highest level of citizen protection within the fiscal resources of the County."*

Ms. Clatterbuck stated there were comments that staff has provided after their review of the application. Staff has provided that list of comments to the applicant and the Commissioners. Items addressed were the E-911 address, the tower design, proof of insurance, screening and landscaping, the lease agreement, the term of the SUP, the soils report, and clarification of the right-of-way. The applicant wishes to go through the approval for the land use request before investing in the design of the tower. Ms. Clatterbuck stated that staff can support that request by making it a condition of the SUP. The applicant has requested the Commission and Board waive the requirement for landscaping and a buffer as the area is surrounded by mature hardwood trees. Ms. Clatterbuck stated that the setback requirement for the two sides that do not meet would need to be put in the conditions of the SUP.

Mr. Holsinger stated with the items that aren't given it looks like we may need to determine this application as incomplete. The Commission asked that the applicant provide clarification on the right-of-way. Mrs. Grech asked if staff was planning a site visit. Mr. Fletcher agreed to coordinate a site visit to all three sites with County staff. At that point, staff can bring back information to the Commission.

Mr. Smelser made a motion to table this matter until the next meeting. Mr. Middleton seconded the motion. The motion passed unanimously.

D. High Speed Link/Cunningham - Introduction of Special Use Permit Application

Ms. Clatterbuck gave the following staff report:

HighSpeed Link (Occupant) and The Trustees of Betty and Virgil Cunningham (Landowners) have filed an application for a SUP to construct a new 195' monopole and antennas with a 4' tall lighting rod attached to the top of the monopole located on Mountaintop Ranch Road, Elkton, VA, and further identified by tax map 105-A-42. The parcel contains 94.81 acres and is currently zoned as Agriculture (A-1). The property is currently vacant. The proposed monopole exceeds the minimum setbacks required from all property lines.

Pursuant to §125-30.3 F(1)(b)[2] (Wireless communications facilities) of the Page County Zoning Ordinance, any new tower in the A-1 zoning district requires a SUP.

Other agency comments are as follows:

Virginia Department of Transportation (VDOT) – Per James Craun, with the Virginia Department of Transportation, the property is served by an existing private entrance off of Mountaintop Ranch Road that connects to Jollett Hollow Road, SR 759. This entrance meets VDOT minimum requirements. The proposed use should not have any adverse effect to the right-of-way.

Health Department - Per Herbert Cormier with the Page County Health Department, their office has no objections to the construction of a new proposed telecommunication/broadband tower.

Building Official - Per James Campbell, Page County Building Official, he has no objections to the proposed use noting that applicable permits will be required prior to construction.

The Page County Comprehensive Plan, Volume 1, Chapter 3, states the following:

- Goal 5, Policy 5.17- *“Ensure that public facilities and utilities are adequate, development impacts are assessed, ground and surface waters are completely protected and sufficient buffering is provided for adjacent land users as part of the development review process.”*
- Goal 6, Policy 6.3- *“Encourage the expansion of telecommunications infrastructure throughout the County, including an open access fiber optic network, broadband service and other high-speed communications infrastructure, to support technology-dependent industries.”*
- Goal 11, Policy 11.1- *“Ensure that adequate utility services are available to meet existing and projected needs of all County users.”*
- Goal 11, Policy 11.2- *“Develop and maintain adequate public facilities that meet the current and future needs of the County.”*
- Goal 11, Policy 11.3- *“Ensure that the minimum level of service, consistent with development need, is provided at the time development occurs.”*
- Goal 11, Policy 11.4- *“Enhance Page County’s telecommunication infrastructure.”*
- Goal 11, Policy 11.20- *“Ensure that public police, fire, and other emergency services provide the highest level of citizen protection within the fiscal resources of the County.”*

Ms. Clatterbuck stated there were comments that staff has provided after their review of the application. Staff has provided that list of comments to the applicant and the Commissioners. Items addressed were the official E-911 address, the tower design, proof of insurance, screening and landscaping, the lease agreement, the term of the SUP, the soils report, and clarification of the right-of-way. The applicant wishes to go through the approval for the land use request before investing in the design of the tower. Ms. Clatterbuck stated that staff can support that request by making it a condition of the SUP. The applicant has requested the Commission and Board waive the requirement for landscaping and a buffer as the area is surrounded by mature hardwood trees.

Mr. Holsinger asked if any these projects can stand alone or are they dependent on one another to work. Mr. Fletcher stated they can all stand alone, but they are part of one broader plan. The plan is to provide continuous coverage between all nine sites. Mr. Holsinger asked is there any possibility that the project fails if any of these towers are not approved. Mr. Fletcher stated he is now aware of anything that would sway the project in that way. The collocations will be the first to come on air. The new towers are part of the plan, but they will be turning the collocations on first. This is a plan to provide broadband, hopefully, to a majority of the county.

Mrs. Grech asked why there is differing heights in the towers. Mr. Fletcher stated that is determined by the topography of the land and what the coverage objective is.

Mrs. Grech made a motion to table this matter until the next meeting, mainly to keep all the projects together. Mr. Atkins seconded the motion. The motion passed unanimously.

Unfinished Business

A. Yvonne Berezoski (Outlanders River Camp) - Review of Rezoning and Special Use Permit Applications

Ms. Clatterbuck informed the Commission that the Board of Supervisors did agree to a joint public hearing on Wednesday, November 17, 2021. A copy of the existing conditions for the campground have been provided to the Commission. Mrs. Grech pointed out that this is not the location of the Heston-Strickler House that she had pointed out at the last meeting. Mrs. Grech visited the property and stated that if it can grow with the same respect and love for the county that it currently has that would be amazing. Chairman Burner asked how the process was going for the wastewater treatment facility. Mr. Janney stated that they were given two options; they could do a ground system or a package system. The developer is leaning towards doing the package system. The developer is intent on getting the zoning permit approved before moving forward in the design of the package system. Mr. Janney suggested that all parties involved meet with Ms. Clatterbuck in developing the list of conditions for this permit. There was discussion concerning buffer area/setbacks for the campground. Mrs. Grech pointed out that it looks as if a few of the glamping sites are in the floodplain. Ms. Butler stated that if they are enclosed structures they would need to be elevated. Ms. Clatterbuck stated there are varying definitions of what a glamping site is. Mr. Janney stated they would get more details on the glamping sites. Mrs. Grech asked what the barn would be used for. Mr. Janney did not have this information at the time of the meeting. They will get more information about that for the public hearing. Mrs. Grech mentioned the existing cemetery and asked how that would be protected. Mr. Janney stated that the cemetery is protected by statute. Mrs. Grech stated that this site is the site of the earliest settlement in the Shenandoah Valley. This is a tremendous asset as a cultural draw to our tourist population.

B. Review draft of Zoning and Subdivision Ordinance provided by the Berkley Group

Chairman Burner suggested that they wait to review the quality control review conducted by the Berkley Group of the draft ordinance. Chairman Burner received a request from a citizen to discuss a concern. This citizen wants to put a glamping site on two acres. The only way she could do that would be if she had ten acres and it was operated as a campground. Ms. Clatterbuck stated she is getting calls daily about camping sites. This person wants to let someone bring their tent and allow them to camp. There are septic and water supply concerns, as well as noise and maintaining control over this form of recreation. She asked how the Commission feels about allowing people to lease out their land for this use. Mrs. Grech expressed her concerns about the length of stay. Mr. Holsinger stated that the National Forest allows 21 days. He stated that if people are going to do camping, they need to do it the right way. There is a need, but requiring a campground is not bad. I don't think we want to have people profit from a real need that some people have, and let them get by with charging something for nothing.

Adjourn

Chairman Burner requested a motion to adjourn the meeting. Mr. Smelser made a motion to adjourn. Mr. Atkins seconded the motion. The meeting was adjourned at 9:25 p.m.

Jared Burner, Chairman

Keith Weakley, Secretary

MINUTES
PAGE COUNTY PLANNING COMMISSION
November 9, 2021

Members Present

Catherine Grech, District 1
Donnie Middleton, District 2
Jared Burner, Chairman, District 3
William Turner, Secretary, District 5

Steve Atkins, District 2
Keith Weakley, Vice Chairman, District 3
Isaac Smelser, District 4

Members Absent

None

Staff Present

Tracy Clatterbuck
Josh Hahn

Kelly Butler

Call to Order

Chairman Burner called the November 9, 2021 Page County Planning Commission Regular Meeting to order in the Board of Supervisors Room located at the Page County Government Center, 103 S Court Street, Luray, Virginia at 7:00 p.m. The call to order was followed by *The Pledge of Allegiance* and a *Moment of Silence*. Chairman Burner reminded all commissioners and speakers to please turn on and/or speak into the microphones. The meeting was live streamed via YouTube. Ms. Clatterbuck conducted an attendance roll call. All commissioners were present.

Adoption of Agenda

Mrs. Grech made a motion to add Outlanders River Camp SUP Application onto unfinished business on the agenda. Mr. Weakley seconded the motion. The motion passed unanimously.

Public Hearing

A. Lonnie & Dorothy Foster- Special Use Permit Application

Lonnie and Dorothy Foster have filed an application for a SUP to operate a home occupation in an accessory building located on Elgin Drive, Luray, VA, and further identified by tax map number 33-A-52. This property contains 4.065 acres and is currently zoned as Agriculture (A-1). The applicants have plans in the near future to construct a new home and a 26x30 detached garage. The home occupation will be operated out of the detached garage. The proposed business will be a sporting goods retail sales shop. The applicant intends to sell guns and outdoor sporting supplies, including but not limited to, firearms, accessories, and basic assembly of parts and pieces. The applicant will be open 1-2 days per week and by appointment. The intention is to expand days/hours of operation within approximately five years. Mr. Foster currently holds a federal firearms license and has been operating this business for two years from a room in his current residence.

Section 125-10 C(3) of the Page County Zoning Ordinance, states that home occupations pursuant to § 125-15 (Home Occupation Regulations) are a permitted accessory use when located on the same lot with the permitted principal use. However, § 125-15 B states that home occupations in accessory buildings are only permitted by SUP. Staff has attached a copy of § 125-15 (Home Occupation Regulations) of the Page County Zoning Ordinance for requirements described in code that the applicant must comply with, in addition to any conditions that are attached to the SUP.

Other agency comments are as follows:

Virginia Department of Transportation (VDOT) – Per James Craun with VDOT, the entrance is approved and has no significant impact to the VDOT right-of-way.

Health Department- Per Herbert Cormier with the Health Department, he has no objections to a home occupation at the property. He further noted that the applicant is aware that application for permits for sewer lines, septic tanks, and conveyance line must be made to their office prior to issuance of the operational permit.

Building Official- Per James Campbell, Page County Building Official, he has no objections to the proposed use. The applicants will be required to obtain applicable permits prior to the start of construction.

Per the Page County Comprehensive Plan:

- Chapter 3, Goal 6, Section 6.2 states, “Encourage economic growth that is compatible with the County’s rural character while generating a positive net cash flow for the county.”
- Chapter 3, Goal 6, Section 6.12 states, “Enhance the County’s tourism and retail base.”
- Due to the low impact, the proposed business would not change the character of the property/area.

The applicant will be required to maintain a Page County business license which will result in tax revenue for the county.

As required by the Code of Virginia, adjoining/adjacent landowners were provided notice of the public hearing/application. Two comments were received. One stated no objections. The other comment from an adjoining property owner stated that he does object to the special use. He also stated retail should be in business zoning areas.

Staff is recommending that the Page County Planning Commission approve the special use permit to operate a home occupation in an accessory building located on Elgin Drive, Luray, VA, and further identified by tax map number 33-A-52, with the attached conditions.

Chairman Burner opened the public hearing at 7:06 p.m. There were no speakers. Ms. Clatterbuck stated that the applicant is available for questions. Chairman Burner closed the public hearing at 7:06 p.m.

Chairman Burner asked if there were any questions concerning the conditions. Mr. Middleton asked for the applicant to confirm there will be no shooting of live ammunition on the property. Mr. Foster stated he would only be shooting his personal weapons.

Mr. Turner made a motion to recommend approval of the special use permit application to the Board of Supervisors. Mr. Atkins seconded the motion. The motion passed unanimously.

Citizen Comments on Agenda Items

Brad Holsinger stated he owns and lives full time at 729 Longs Rd. Luray, VA. He has been a direct neighbor of the campground since it was built. His concern is about the ability of the SUP to be enforced and the protection of the neighbors’ private property. Current management has willfully disregarded the current SUP and believes the new permit will not be any different. He admitted he has never complained to the County or the campground but felt now he should. He asked that a true 100-foot green belt be considered with a privacy fence on the inside of the green belt.

Cheryl Adams stated she lived in the Old Farms subdivision adjoining property to where the Cape Solar project is being proposed. She expressed concerns about the view from her property. She reminded the Commission about the petition that was submitted. There is no one that adjoins this property that is for this.

Clyde Humphrey passed information to the Commissioners and spoke about the process that is being used in considering solar applications. He stated that unless the Code authorizes consideration of a special use permit for a particular use then that use is prohibited. He stated that the solution to the problem is simple. Pass a solar ordinance that allows solar farms and spells out the restrictions that would apply to a special use permit. Until that ordinance is in place the County cannot legally consider an application for a solar farm. His intention is to immediately file a suit in Circuit Court asking the court to enjoin the County Staff administrator, attorney, etc. from considering any application for a solar farm before approving an ordinance that would allow and regulate such a facility. He stated that Section 125-30.1 of the Code is not applicable and cannot be used to justify solar facilities.

Ken Jemility stated he knows that the Planning Commission put a lot of work into the solar ordinance that was proposed. He stated he doesn't know who is driving this project forward but knows it isn't the Planning Commission.

Beth Snider encouraged the Commission to take their time to review this application.

Paul Scheingold stated he was on Skyline Drive and saw the reflection off of Lake Arrowhead that is about 35 acres. He can't imagine the reflection that will be seen from a solar farm with hundreds of acres of panels.

New Business

A. Adoption of Minutes- September 28, 2021 and October 12, 2021

Mr. Weakley made a motion to adopt the minutes as presented. Mr. Smelser seconded the motion. The motion passed unanimously.

Unfinished Business

A. Yvonne Berezoski (Outlanders River Camp)- Rezoning and Special Use Permit Applications

Ms. Clatterbuck and Chairman Burner met with Mr. Janney and Mr. Austin, representing the applicant, to discuss the conditions of the SUP. Draft conditions were presented to the commission members.

There was discussion over the green belt area, the height of the buffering, and the glamping sites that are located in the floodplain.

B. High Speed Link/Tanners Ridge Properties, LLC- Special Use Permit Application

Ms. Clatterbuck stated that they met Mr. Beniamino on site. Pictures were brought back to show the Commission the area proposed for the tower. Staffs' opinion is that the property already provides plenty of natural vegetation/buffer. Her opinion is that the applicant's request to waive the screening requirement is reasonable. The applicant also provided documentation that supports the chain of ownership for HighSpeed Link. The applicant has provided a site plan showing the County's site plan for the new EMS tower to be constructed at this location and the proposed location of HighSpeed Link's tower. Staff is requesting a joint public hearing with the Board of Supervisors on December 7, 2021.

Ms. Clatterbuck clarified that it is a self-supporting tower and not the monopole as described in the narrative. Ms. Clatterbuck asked Mr. Beniamino to clarify the interference concerns. Mr. Beniamino stated that after the zoning is completed, they can provide what is called an "Intermodulation Analysis." That analysis takes the County's antenna frequencies and the frequencies that will be on this tower, matches them up, and an engineer will write a statement that there should be no interference. The request is because they are costly to produce, they need to make sure that the zoning is in place before they submit that. They request that it be added as a condition that prior to filing a building permit application they will provide this report.

Mr. Turner made a motion to take this application to a joint public hearing with the Board of Supervisors on December 7, 2021. Mr. Atkins seconded the motion. The motion passed unanimously.

C. High Speed Link/Alex Phillips- Special Use Permit Application

Ms. Clatterbuck stated that they were not able to visit this site. Mr. Beniamino stated there are some issues with the formal access to the site. They are requesting that at this time this application be tabled until the access issues are worked out.

Mr. Weakley made a motion to table this application until such time that staff brings an actionable item back to the Commission. Mr. Smelser seconded the motion. The motion passed unanimously.

D. High Speed Link/Cunningham- Special Use Permit Application

Ms. Clatterbuck stated that staff was able to visit this site and have provided photos. This property is an active ranch. There are horses and visitors to some degree on this property. The applicant is requesting that landscaping requirements be waived. This property is used for other activities. Staff will leave it up to the Commission to address the landscaping requirements. Mr. Beniamino stated that the property owners signed the lease with HighSpeed Link without any landscaping or buffer requirements. He stated that generally the landscaping is to screen the base of the tower from surrounding residential properties. There are no houses visible from the top of that mountain. They aren't opposed to putting in the landscaping screening. They have been told the soils are pretty difficult. Mr. Atkins asked if the equipment will be fenced. Mr. Beniamino stated they would be fencing with a chain link fence with anti-climbing equipment on top. He suggested, if screening is a concern, a 7-foot board-on-board fence can be used instead but it would not have the anti-climbing devices on it. Mr. Turner asked if the fence will be maintained. Mr. Beniamino stated that they can condition the special use permit to provide for that maintenance.

Chairman Burner asked if the livestock roams free on site or if they are contained elsewhere. Mr. Beniamino stated he believes there are no cows, just horses, but he will check on that. Mr. Beniamino stated they spoke with GIS and the best time to apply for the addresses will be after the zoning has been approved.

Mr. Weakley made a motion to take this application to a joint public hearing with the Board of Supervisors on December 7, 2021. Mr. Middleton seconded the motion. The motion passed unanimously.

E. Cape Solar, LLC- Special Use Permit Application

Ms. Clatterbuck stated that she didn't have anything new to add or present to the Commission regarding this application.

Mr. Weakley made a motion to request legal clarification on the code section for an electric production facility versus an electric transmission facility. Ms. Clatterbuck stated this question came up when the applicant first submitted this application. Legal was consulted then. The problem is the code does not define what an electric facility is. Mr. Weakley stated there are inconsistencies. Watts and volts are two separate things. If legal needs to consult an electrical engineer, then he will have to do that. Mrs. Grech referenced the handout from Mr. Humphrey. She stated that it looks like a lawsuit is being planned. All the Commissioners are named as defendants. Mrs. Grech seconded Mr. Weakley's motion because she believes legal advice is needed.

Mr. Weakley restated his motion that this matter be tabled until such time that the Commission has written clarification from legal as to the applicability of the section of the code (Section 125-30.1); reminding him

that volts do not apply to a facility that produces electricity only one that transmits electricity. Mrs. Grech seconded the motion. The motion passed unanimously.

F. Review draft of Zoning and Subdivision Ordinance provided by the Berkley Group

Chairman Burner asked if there any updates on the draft at this time. Ms. Clatterbuck stated that she received the draft in writing last week. She has not had time to review the draft before sending it to the Commission.

Open Citizen Comment Period

None

Chairman's Report

Chairman Burner thanked everyone for their patience through the long agenda.

Clerk's Report

Ms. Clatterbuck reminded the Commission that there is a joint public hearing on Wednesday, November 17 at 7:00 p.m. There will likely be a new SUP for introduction for a manufactured home in a subdivision. There is another campground coming to them also.

Adjourn

Chairman Burner requested a motion to adjourn the meeting. Mr. Weakley made a motion to adjourn. Mr. Middleton seconded the motion. The meeting was adjourned at 8:03 p.m.

Jared Burner, Chairman

Keith Weakley, Vice Chairman



County of Page, Virginia
Planning & Community Development
103 South Court St., Suite B
Luray, VA 22835

SPECIAL USE PERMIT

Occupant: HighSpeedLink

Landowner: Tanners Ridge Properties, LLC

Tax Map #: 100-A-11A

Purpose: Construction of new 100' self-support tower and with a 4' tall lighting rod attached to top of tower

APPROVED _____ DENIED _____

By the Page County Board of Supervisors on _____

1. This special use permit is transferable, it will meet the requirements in and have privileges provided for in the Page County Zoning Ordinance, and any ordinance amendments for the period set forth within the parameters in this special use permit. The special use permit shall remain with the property for a period of ten (10) years.
2. Highspeedlink, or its successor and/or assigns, shall be in compliance with all county ordinances, the Uniform Statewide Building Code, and all state and federal agency regulations.
3. The tower shall not exceed 100' in height (excludes the 4' lighting rod attached to the top of the monopole).
4. The minimum setbacks required for the tower are as follows: 104' (includes tower and lighting rod) from all property lines.
5. No antennas attached can exceed the height of the monopole tower (104').
6. Any lighting that is provided on the tower shall be directed downwards, so as not to produce a glare into the sky or onto adjoining properties or roads or rights-of-way.
7. All permits for land disturbance activities associated with the tower, equipment, roads, etc. must be obtained as required by regulations.
8. Engineered stamped plans for the tower, antennas, and any other associated equipment must be in compliance with Section 125-30.3.D.(2) of the Page County Zoning Ordinance. The engineered plans must be submitted and approved by Page County prior to the start of construction.
9. The proposed wireless communication facilities must be adequately insured for injury and property damage based on Section 125-30.3.D.(4) of the Page County Zoning Ordinance. Proof shall be submitted prior to construction.
10. Need to add something related to screening and landscaping- applicant is requesting waiver of Section 125-30.3.G(4). See comments in application.
11. Prior to the issuance of the building permit, the occupant must provide a detailed engineering soils report.

12. This special use permit may be revoked upon material noncompliance with the terms of the permit, or upon violation of any other relevant terms of the Zoning Ordinance or any other ordinances of the County of Page, Virginia. However, prior to the commencement of any action to revoke this permit, the county shall notify the permit holder in writing of the material in noncompliance or violation, and the permit holder shall have thirty (30) days thereafter to cure the material non-compliance or violation. The notice shall be deemed given when hand delivered to the permit holder or when mailed by certified mail, return receipt requested, to the permit holder.
13. Any change of use or expansion not included in this special use permit will require an additional, new, or modified special use permit as required by the Page County Zoning Ordinance at that time.
14. The Zoning Administrator or their designated representative may visit the site at any time to ensure compliance with the special use permit.

I (we) the undersigned owner(s)/occupant(s) understand and agree to the foregoing conditions of this special use permit. I further understand that this special use permit may be reviewed on a yearly basis or at any time, the county determines necessary to ensure the compliance with and enforcement of all applicable conditions, codes, and regulations.

Owner(s)/Occupant(s)

Date

Board of Supervisors Chairman

Date

County Administrator

Date



County of Page, Virginia
Planning & Community Development
103 South Court St., Suite B
Luray, VA 22835

SPECIAL USE PERMIT

Occupant: HighSpeedLink

Landowner: Trustees of Betty & Virgil Cunningham

Tax Map #: 105-A-42

Purpose: Construction of new 195' monopole tower and with a 4' tall lighting rod attached to top of tower

APPROVED _____ DENIED _____

By the Page County Board of Supervisors on _____

1. This special use permit is transferable, it will meet the requirements in and have privileges provided for in the Page County Zoning Ordinance, and any ordinance amendments for the period set forth within the parameters in this special use permit. The special use permit shall remain with the property for a period of twenty (20) years.
2. Highspeedlink, or its successor and/or assigns, shall be in compliance with all county ordinances, the Uniform Statewide Building Code, and all state and federal agency regulations.
3. The monopole shall not exceed 195' in height (excludes the 4' lighting rod attached to the top of the monopole).
4. The minimum setbacks required for the monopole are as follows: 199' (includes monopole and lighting rod) from all property lines.
5. No antennas attached can exceed the height of the monopole tower (199').
6. Any lighting that is provided on the monopole shall be directed downwards, so as not to produce a glare into the sky or onto adjoining properties or roads or rights-of-way.
7. All permits for land disturbance activities associated with the monopole, equipment, roads, etc. must be obtained as required by regulations.
8. Engineered stamped plans for the monopole, antennas, and any other associated equipment must be in compliance with Section 125-30.3.D.(2) of the Page County Zoning Ordinance. The engineered plans must be submitted and approved by Page County prior to the start of construction.
9. The proposed wireless communication facilities must be adequately insured for injury and property damage based on Section 125-30.3.D.(4) of the Page County Zoning Ordinance. Proof shall be submitted prior to construction.
10. Need to add something related to screening and landscaping- applicant is requesting waiver of Section 125-30.3.G(4). See comments in application.
11. Prior to the issuance of the building permit, the occupant must provide a detailed engineering soils report.
12. This special use permit may be revoked upon material noncompliance with the terms of the permit, or upon violation of any other relevant terms of the Zoning Ordinance or any other ordinances of the County of Page,

Virginia. However, prior to the commencement of any action to revoke this permit, the county shall notify the permit holder in writing of the material in noncompliance or violation, and the permit holder shall have thirty (30) days thereafter to cure the material non-compliance or violation. The notice shall be deemed given when hand delivered to the permit holder or when mailed by certified mail, return receipt requested, to the permit holder.

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I (we) the undersigned owner(s)/occupant(s) understand and agree to the foregoing conditions of this special use permit. I further understand that this special use permit may be reviewed on a yearly basis or at any time, the county determines necessary to ensure the compliance with and enforcement of all applicable conditions, codes, and regulations.

Owner(s)/Occupant(s)

Date

Board of Supervisors Chairman

Date

County Administrator

Date